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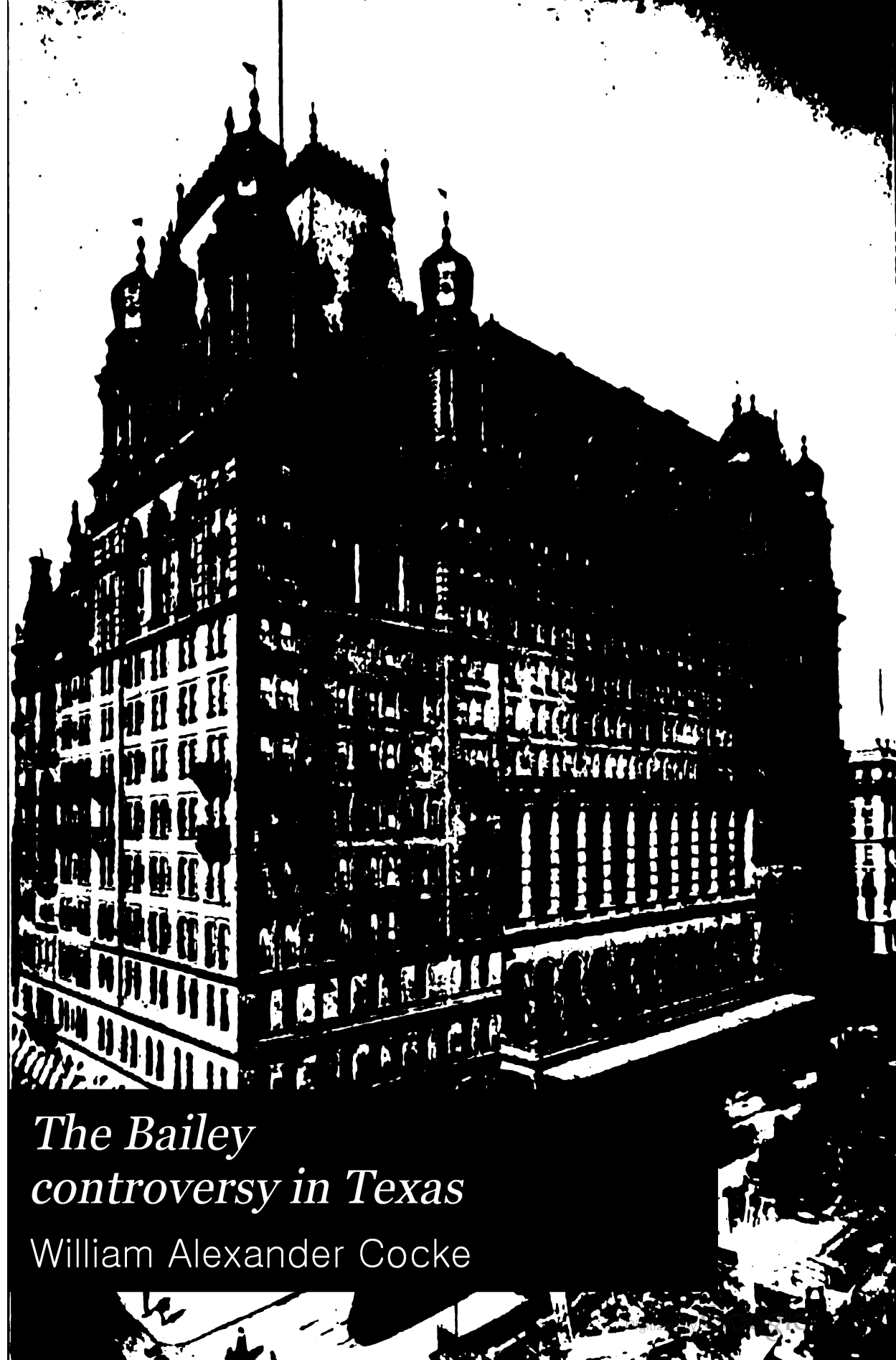
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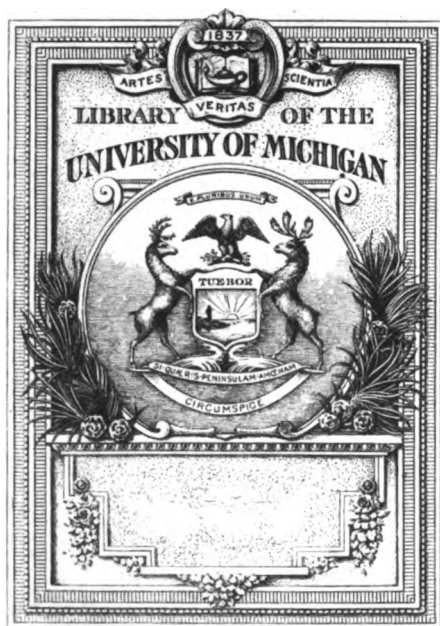
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*The Bailey
controversy in Texas*

William Alexander Cocke



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BAILEY-PIERCE NEW YORK "CHOP HOUSE."



THE WALDORF ASTORIA, NEW YORK,
Where Pierce maintains suite of eight rooms and entertains
Bailey while in New York.

The Bailey Controversy in Texas

WITH LESSONS FROM

The Political Life-Story of a Fallen Idol

IN TWO VOLUMES

BY

WILLIAM A. COCKE

OF

SAN ANTONIO, TEXAS

VOLUME II

Woe unto you, scribes and Pharisees, hypocrites! Ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess. Ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and all uncleanness; ye outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity.—THE SCRIPTURES.

Was the following written of Buckingham or a forecast of Bailey?

* * * *It grieves many,
The gentleman is learned and a most rare speaker,
To nature none more bound; his training such
That he may furnish and instruct great teachers,
And never seek for aid out of himself; yet see,
When these so noble benefits shall prove
Not well disposed, the mind growing once corrupt,
They turn to vicious forms, ten times more ugly
Than ever they were fair. This man so complete,
Who was enroll'd 'mongst wonders, and when we
Almost with ravish'd listening, could not find
His hour of speech a minute,—he, my lady,
Hath into monstrous habits put the graces
That once were his, and is become as black
As if besmear'd in hell.*

—SHAKESPEARE, in Henry VIII.

THE COCKE COMPANY, Publishers
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CHAPTER XXI.

BAILEY IN THE ROLE OF A STANDARD OIL BARON.

BAILEY AND PIERCE FREEZE OUT THE SOUTHWESTERN OIL COMPANY.

The Witness J. D. Johnson (pp. 117-120) continuing:

Q. Do you know from Mr. Pierce of any other *loans* he made Senator Bailey?

A. Yes, I know something of the loan for \$156,000, that he made him or procured for him. I know the nature and purpose of that transaction; it had to do with the Southwestern Oil Company at Houston, I know something in a general way about it as an independent Oil Company being run here in Texas.

I would rather not answer your question with reference to the \$156,000, being used to purchase the outstanding obligations of the Southwestern Oil Company; this on Mr. Pierce's account. He was interested in that transaction, and it comes to me professionally. Not that there was anything wrong or discreditable about it to either Mr. Pierce or Mr. Bailey, or anything irregular—nothing in the slightest—but it involves matters of confidence that I have no right to divulge, coming to me professionally.

BAILEY REPRESENTS PIERCE.

I know that Mr. Bailey represented Mr. Pierce in connection with that matter, and it had something to do with that. No, I do not know what was done with securities that were bought up with that \$156,000 loan or obligation. I was very glad to get that off my mind, and I paid no attention to it after the arrangement was made with Mr. Bailey. Yes, I know after Mr. Bailey secured the loan that a suit was instituted at Houston to foreclose on the obligation. Mr. Bailey did not appear as the attorney for Mr. Pierce. I do not think Mr. Pierce was a party to the proceeding at all; did not appear in it. [The whole scheme of eliminating the Southwestern Oil Company as a competitor of the Waters-Pierce Oil Company, was conducted in Bailey's name.]

I think I saw a copy of the Decree in the case. I think it was in Mr. Bailey's name. I know from Mr. Pierce that *there was a settlement that was entirely satisfactory between him and Mr. Bailey, as a result of that deal.*

I think the Southwestern Oil Company finally passed into the hands of St. Louis parties—a syndicate connected with the St. Louis Union Trust Company.

Senator Bailey had never had anything to do with the Southwestern Oil Company prior to the \$156,000 loan, that I know of.

TALIAFERRO, A WATERS-PIERCE OIL COMPANY MAN, BECOMES MANAGER OF SOUTHWESTERN OIL COMPANY, UNDER BAILEY.

The Witness Continued:

I know the Mr. Taliaferro that used to be with the Waters-Pierce Oil Company. I used to have his brother of Taliaferro & Wilson attend to law business at Houston for the Waters-Pierce Oil Company.

I understand, after Mr. Bailey secured control, that Mr. Taliaferro, who was at one time in charge of the cotton-seed oil department of the Waters-Pierce Oil Company, at Houston, took control of the Southwestern Oil Company. He resigned from the Waters-Pierce Oil Company and became the manager, I believe, of the Southwestern Oil Company. So far as I know, no one else put any money into this transaction except the \$156,000 referred to. I do not know really how the matter was wound up, except that I understood it had been all closed out and settled, so far as Mr. Bailey and Mr. Pierce were concerned.

[After examination of Mr. Johnson at this point, Senator Bailey could not stand the pressure longer and relieved himself by saying, "I am going to object to that, because I have sat by and heard Mr. Johnson detail a transaction that he is wholly mistaken about—is absolutely a mistake from beginning to end—and for that reason I do not believe I want any more of that kind put in the record." The trouble was that J. D. Johnson knew and was telling too much to suit this Standard Oil Senator. The only mistake that J. D. Johnson made in his testimony was this: He confused the \$156,000 Bailey-Pierce Kirby Lumber Company stock jobbing "loan" with the \$153,000 Bailey-Pierce S. W. Oil Company stock jobbing "loan." If Johnson had used \$153,000 instead of \$156,000 in his testimony about the way Pierce and Bailey got rid of the S. W. Oil Co. as a competitor of the W.-P. Oil Co., Bailey could have offered no objection to his testimony.]

BAILEY BECOMES AN OIL BARON.

The Witness J. W. Bailey (continuing Com. Rept., p. 886)—

During my negotiations or during my attorneyship for the Kirby Lumber Company we were approaching one of those semi-annual stumpage payments, and at that time the Kirby Lumber Company was always hard up when it came time to make one of these payments. We were casting about to find money—Mr. Kirby was, of course. He was looking after the financial part of it. And he was telling me of the money that the Houston Oil Company owed them, and he wanted to know if, under the stumpage contract, I could not force the Maryland Trust Company, which was the trustee of these stumpage contracts—stumpage payments were made and then they disbursed them among the certificate holders, and if any residue was left, to the stockholders, and he wanted to know if we could not force the Maryland Trust Company to accept the indebtedness which the Kirby Lumber Company held against the Houston Oil Company. After investi-

gating it, I doubted it, but I discussed with the Houston Oil people if they could not get up the money or some part of it, but they had no way of doing it; they had no available resources, and what they had had been pledged, and in this discussion I found that the Southwestern Oil Company owed the Houston Oil Company a large sum of money, which the Houston Oil Co. had advanced to it to complete its refinery, or probably to construct it, I am not sure—anyway, for its refinery, and also to establish stations at different places in the State, and that indebtedness amounted, as I remember now, to about \$152,921 and some odd cents. I said to Mr. Kirby and these other gentlemen that if the Houston Oil Company would take the note of the Southwestern Oil Company, including in it all advances which they had made in money and including in it also everything which the Southwestern Oil Company owed the Houston Oil Company for oil which the Southwestern Oil Company was then buying from the Houston Oil Company, which oil was produced at the Corsicana field, that I *thought I could use that note, and that I could raise them the money on it—at any rate, that I would undertake it.* After some negotiations the Houston Oil Co., did take the note of the Southwestern Oil Company for this \$152,921 and some odd cents, and the Houston Oil Company endorsed that note and delivered it to me, I understood, to raise the money on it. I used a part of the money that I had received in this transaction with Calhoun and the balance of that money, some \$60,000, I got from, as I remember now, from the Riggs National Bank. I probably did not get it all there, but I think I did and I used that to complete the full payment to the Maryland Trust Company on the stumpage contract. I remember that we used in that—some money was needed for other current and pressing demands, but still I wanted time to place this \$152,000 note, and I did not get all the money on it for some little time. [It would have been interesting to have secured Pierce's testimony as to what connection he had with this \$153,000 note by which Bailey bought up the Southwestern Oil Company, a then competitor of the Waters-Pierce Oil Company. *Johnson testified that Bailey and Pierce were in the deal together and that it was adjusted to Pierce's entire satisfaction.*] I remember the last payment I made on it, Mr. Kirby either wrote or telegraphed me—I was then in Washington—that they needed the balance which was due them on that note. I telegraphed him to draw on me for it, and paid that draft either at the West End National Bank or at the Citizens' National Bank, and the reason that I can not tell which it was, the West End National Bank either before that time or after that time consolidated with the Citizens' National Bank, and I got part of the money—I borrowed part of the money there to pay this \$31,000. I carried that note—all above what I had myself—I carried it at Riggs National Bank from that time until Mr. Shepley and his associates paid me back my money, and when they paid me back my money it was paid to the Riggs National Bank, which held the stock at that time and held the note of the Southwestern Oil Company. This

note matured—I don't remember exactly what was the time for which the note was originally made, but it matured and they could not pay it. I then extended it for them and required them to give me the accumulated interest and the two thousand and some odd dollars above the \$150,000, and I took a new note for \$150,000. That new note I made them secure by a mortgage on the physical property of the Southwestern Oil Company. You understand here that the Houston Oil Company owned the Southwestern Oil Company—that is, owned its stock, but preserved the separate corporate entity, and I still took, I think, the note of the Houston Oil Company—I mean the note of the Southwestern Oil Company endorsed by the Houston Oil Company, *and required them to secure it by a mortgage on the physical property of the Southwestern Oil Company.* That note matured and still they were not able to pay it. I had suit instituted in the courts of Harris county and foreclosed. * * *

I then proceeded to sell, as under the note I had the right to do, the stock and I bought it in for \$50,000 and that left a balance of something like \$110,000 due me. I was then the absolute owner of the Houston—of the Southwestern Oil Company—I held its stock, and I had a balance due me of more than \$100,000. I said to these people, "Now, I have no desire to speculate upon your misfortune and I only want my money and if within a reasonable time you will get up this money and pay me my debt, with interest, I will give you back your stock and assign to you or cancel the balance that I hold against you." They said they would do it and I kept the stock. I did not like the management of the Houston Oil Company down there; the fact of it is they were all Houston Oil Company men in the Southwestern Oil Company office and when I had gone down there once and tried to get possession—

Q. You said you did not like the management of the Houston Oil Company?

A. I mean the Southwestern Oil Company.

Q. Yes, sir.

A. When I went down there to get possession under my mortgage of the physical property they refused to give it to me. [*He did not "like the management of the Southwestern Oil Company" so he proceeded, according to the testimony of Frank Andrews, to put Mr. Taliaferro, a Waters-Pierce Oil Company man, in charge of the Southwestern Oil Company.*] The note stipulated that I would have the right to take possession and that they must deliver it to me, but they refused to give it to me and we had to bring suit. And I determined, of course, to dismiss them, or a part of them at any rate, and I conferred with Mr. Andrews—Mr. Frank Andrews and he suggested Mr. Taliaferro—*Mr. Taliaferro was then in the employ of the Waters-Pierce Oil Company.* Mr. Taliaferro was a resident of Houston and knew that country and knew the people, and so I told Mr. Andrews that would be satisfactory to me if we could get him. Mr. Andrews opened the negotiations with him and concluded them,

and finally, by giving Mr. Taliaferro a considerable increase in his salary he induced him to take the presidency of the Southwestern Oil Company and he then reorganized the board of directors and he put some other young men there, maybe the young man in his office on there, and then Mr. Taliaferro and Mr. Andrews and this young man gave him control of the board of directors. [*Thus we find a United States Senator the absolute owner of the only, then, active competitor of the Waters-Pierce Oil Company, with a State Democratic Executive Chairman as the managing director of the corporation.*]

MR. FRANK ANDREWS, EX-TEXAS STATE DEMOCRATIC CHAIRMAN TINKERS WITH BAILEY'S OIL BUSINESS.

MR. FRANK ANDREWS

was called as a witness for Bailey and examined by Mr. Odell. His testimony will be found pp. 555-562, Bailey Investigation Committee Report, 1907.

The witness Andrews: I reside in Houston and am a member of the law firm of Andrews, Ball & Streetman. I did represent Senator Bailey in a suit filed in the District Court of Harris county against the Southwestern Oil Company. I think it was about September, 1903, and I secured judgment in October of the same year. It was a suit on a note, I think, for \$156,000, which was secured by a pledge of the stock of the Southwestern Oil Company. I am not certain whether it was endorsed by the Houston Oil Company but the Houston Oil Company had the pledge of the stock of the Southwestern Oil Company to secure the payment of the note.

BAILEY DISMISSES SUIT AND AFTERWARDS BUYS IN HIS COLLATERAL WORTH \$300,000 TO \$400,000 FOR \$50,000.

The next move in the case was an instruction from Senator Bailey to release the judgment of record, but at the time I was advised that an arrangement had been made which in effect amounted to an extension. If my recollection serves me right, the stock of the Southwestern Oil Company was put up on that proposition with power to sell, on a note of very early maturity, and subsequently the stock was sold under the note. It must have been the last days of November, or in December. [This was the time that the witness Clem testified that H. C. Pierce's son, Clay Arthur Pierce and a Mr. Ackard of the Waters-Pierce Oil Company came down from St. Louis and ordered Clem to close up the Eagle Refining Company, *which he had been running for 10 years as a "blind tiger" to the Waters-Pierce Oil Company, and put E. M. Taliaferro, a Waters-Pierce Oil Company man, in charge of the S. W. Oil Co., and forthwith the price of oil was advanced from 12 to 16 cents and later to 23 cents. The Southwestern Oil Company was the only active competitor of the Waters-Pierce Oil Company.*]

After that I was advised that Senator Bailey had become the purchaser of it, and we were asked to look after what was necessary for

what was ordinarily termed a "reorganization," *which in mercantile parlance means to take charge of the business.* [This is a significant definition of reorganization and means, we may well suppose, that in the "reorganization" of the Waters-Pierce Oil Company, in 1900, Pierce took "charge of the business" and then handed 68 3/4 per cent of the stock back to the Standard Oil Company. Andrews and Bailey may have gotten their cue from H. Clay Pierce.]

I employed a man to take the presidency of the Company, and act as president and general manager. *I employed E. M. Taliaferro, connected at that time with the Waters-Pierce Oil Company, and he had been for some years.* Then Mr. Taliaferro arranged the other employes, but he consulted with me in regard to every step he took in regard to the reorganization of it. He was a very intimate friend of mine. He was a man of my own selection *but Senator Bailey knew it was in contemplation and he consented to it.* [What soft speech! gentle, soothing words. "Contemplation" and "consent." Do you suppose that "My dear Pierce" also knew that Mr. Taliaferro was "in contemplation and consented to it?"]

He consulted me about everything that may be termed "the policy" of the Company. Mr. Taliaferro operated the Company twelve or thirteen months, when it was bought by some St. Louis parties, I think in February, 1905. The people who were stockholders in the Houston Oil Company bought it—Colonel Fordyce and Mr. Shapley of St. Louis. [John H. Kirby testified that the Houston Oil Company passed into the hands of "new people" and that there was a strange activity in New York in the stock of the Houston Oil Company. The author has been unable to discover who these "new people" are but he feels confident that they are interests friendly to Waters-Pierce and Standard Oil.]

THE SOUTHWESTERN OIL COMPANY WORTH \$300,000 TO \$400,000.

The Witness Andrews (Continuing) :

I think the Southwestern Oil Company, at the time Mr. Bailey took over its stock was estimated on an inventory that was shown me, and which I examined a good many times as to the general possessions of the Company, *at something in the neighborhood of \$300,000.* That was the physical properties; its intangible assets were never estimated.

Q. Well, was not the entire stock of the Southwestern Oil Company sold for \$50,000, after it was pledged to Senator Bailey?

A. That was my information. My information was that Senator Bailey became the purchaser of it. [for \$50,000]; that is the way he came to own it, through his ownership and reorganization of it.

BAILEY-PIERCE \$156,000 DEAL.

Examination continued by Mr. Cocke:

Q. Do you know where Mr. Bailey got his money to pay for that note?

A. I haven't any idea in the world; *that is a personal matter*, who he got it from, but I know that he got it honestly.

Q. You don't know whether Mr. Pierce furnished the money to buy the note or not, do you?

A. I did not ask him; I knew that it was honest money and I did not ask him.

Q. *You don't know whether it was Waters-Pierce Oil Company money, do you?*

A. I know to all intents and purposes he owned it; I did not see him get it.

Q. If you don't know and never asked him, how are you entitled to an opinion?

A. You asked me for my opinion and I gave it to you; if you don't think it is worth anything, don't accept it.

Q. You say that you don't know where he got the money, but you only know that it is honest money, and I asked you if it was Waters-Pierce Oil Company money.

A. And I told you to all intents and purposes it was not.

Q. Well was it Mr. Pierce's money, personally?

A. *I don't know.*

Q. Do you know whether or not Mr. Pierce indorsed the employment of Mr. Taliaferro as manager of the Company during the years he had it?

A. *Yes, sir.*

Q. You don't know what passed between Mr. Bailey and Mr. Pierce?

A. *I had no means on earth of knowing.*

Yes, sir; there is another Taliaferro living in Houston, a brother to Mr. E. N. Taliaferro. *He is a lawyer—has been and possibly is yet local attorney for the Waters-Pierce Oil Company.*

Q. Do you know what relation exists, if any, between these St. Louis parties who bought the stock of the Southwestern Oil Company and the Waters-Pierce Oil Company, on this occasion?

A. I have never asked either one of them.

Q. As I understand you then, finally, Mr. Andrews, you present us with the proposition that Mr. Bailey disposed of a proposition worth \$300,000 for about \$200,000?

A. No, I didn't put it that way; I said that my recollection was that the invoice showed the physical value of the property to be about \$300,000 and that Mr. Bailey disposed of it for the payment of his debt, which at that time, with the accumulations, was less than \$200,000.

BANKER WILLIAMS ADDS SOME LINKS.

MR. A. L. WILLIAMS

was called, February 4th, and testified (Bailey Invest. Com. Report, 1907, pp. 537-538), as follows:

Have lived in Beaumont five years; am president of the Gulf Na-

tional Bank. I know the Security Oil Company at Beaumont, where it has a refinery. It does business with our bank. I know nothing about their relations to the Waters-Pierce Oil Co.

Q. Do you know anything about the transactions and connections or communications passing through the bank between it and the Standard Oil Company?

A. I don't believe I could answer questions of that kind in regard to my customers' account.

They occasionally sold oil to the Standard; that is all the knowledge I have of it.

KNOWS S. G. BAYNE.

I know S. G. Bayne, of New York. *He has stock in our bank. I know nothing more of his relations to the Standard Oil Company than friendly relations between himself and Dan O'Daly and Joseph Seay; I have heard him mention those two gentlemen as old friends of his in Pennsylvania days—the oil fields of Pennsylvania—they were friends and that friendship was maintained. I think O'Day was supposed to be in charge of the pipe lines of the Standard Oil Company. His office is at 26 Broadway. He has stock in our bank or did have; he is deceased.*

Yes, sir; Joseph Seay has stock in our bank and his address is Oil City, Pa. Mr. Bayne's bank is in New York City, at 18 Broadway.

HAS SEEN BAILEY IN NEW YORK.

I have met Senator Bailey in New York once or twice; one time that I am sure about was at lunch time, at the Lawyer's Club. I have seen him at the Waldorf-Astoria. [The Gulf National Bank at Beaumont, like the Security Oil Company of Beaumont, which Bailey organized, is supposed to be a Standard Oil Institution, and while the above testimony is of a negative character the links between Bailey, Bayne, Dan O'Day, and Joseph Seay and the witness Williams, and the Security Oil Company, Gulf National Bank and Standard Oil Company, are very significant.]

BAILEY AND PIERCE BUY STANDARD OIL COMPANY AND OIL ADVANCES FROM 10 TO 23 CENTS PER GALLON.

Mr. A. W. Clem, an independent oil dealer of Dallas, gives testimony concerning the Waters-Pierce Oil Company and "blind tiger" Oil Companies run as an adjunct of the Trust. This was true of the Eagle Refining Company and was probably true of the Southwestern Oil Company, after Bailey bought it. Mr. Clem's testimony will be found (Bailey Invest. Com. Report, 1907, pp. 538-553) and boiled down is as follows:

THE EAGLE REFINING COMPANY—A "BLIND TIGER."

The witness, Clem:

I was manager of the Eagle Refining Company. That was an independent corporation of Cleveland, Ohio, doing business in

Texas—wholesale oil business. It continued an independent concern until October, 1894, when the Waters-Pierce Oil Company bought it out. I kept my position and carried the business right on in the name of the Eagle Refining Company *but they owned it and I followed their instructions, you know.* I reported to Mr. J. P. Gruet, of St. Louis, Secretary of the Waters-Pierce Oil Company, after they bought it, I was not a competitor of theirs, of course, because they owned it, *and I had instructions to sit there and do nothing—that is to keep the doors open.* Up to the time they bought it, I was a very active competitor of theirs. They wanted their people to sell the oil, and I understood it if they had any outside customers, the people who wanted to buy oil from me and they came there, to let them have it. You know the Waters-Pierce Oil Company had quite a lot of enemies among the merchants, and the Waters-Pierce was very accommodating, I suppose, and wanted to please all of them and if they would not buy from them they would send them to the Eagle to buy—let them come over to the Eagle and buy.

I sent a daily sales report to Mr. Gruet at St. Louis, that continued up until January 1st, 1904. That is what the independent oil men call "blind tigers."

EAGLE REFINING COMPANY IS CLOSED OUT AT THE TIME BAILEY AND PIERCE BOUGHT SOUTHWESTERN.

I had orders to close it up on January 1, 1904. Mr. Ackard, general manager of the Waters-Pierce Oil Company and Mr. Clay Arthur Pierce, I think it was, were together; they came to Dallas on their way from Houston somewhere about the first of October, 1903. They 'phoned me to come up to the general office of the Waters-Pierce Oil Company and Ackard told me that they had decided to close up the Eagle Refining Company—he said, "You go to work and wind it up preparatory to quitting business the first of January," which I did. Then it was the Eagle Refining Company was discontinued *altogether.*

I don't know much about the Southwestern Oil Company part; *I know they were a very active competitor of the Waters-Pierce Oil Company from about 1900 up to about that time—up to the time the Eagle closed, and after that I know their competition was something like the Eagle's competition, that is, they became very quiet—not active, you know.*

WOLFE AND STONE IN ERUPTION.

Mr. Cocke: Have you reason to believe—if so, state your reasons, that the Waters-Pierce Oil Company substituted the Southwestern Oil Company as a blind tiger, simultaneously with the elimination of the Eagle Oil Company?

Mr. Wolfe: I don't see what that has to do with the case.

Mr. Chairman: He can state what he knows about it; if he knows any facts; he can not give his opinion.

A. What is the question?

(Question read.)

Mr. Stone: That calls for a conclusion; let him state the facts.

Mr. Chairman: Don't give a conclusion; state any facts you know.

Mr. Wolfe: State the facts *and we will do the concluding.*

A. Why, of course; I had an idea—

Mr. Chairman: State what you know.

A. Really, I don't know anything about it; that is, to tell you the facts about it; of course, I have reasons to believe—

Mr. Cocke: If the Committee want to hear it, we would like to know what your reasons are.

A. There has been a change occurring between the company; something like there was when they bought the Eagle out, and I had reasons to believe that because the Southwestern Oil Company was reorganized and Mr. Taliaferro resigned his position with the Waters-Pierce Oil Company to accept the presidency of the Southwestern Oil Company. Mr. Taliaferro had been in the employ of the Waters-Pierce Oil Company in Houston for a number of years, and he resigned his position with the Waters-Pierce Oil Company to accept the presidency of the Southwestern Oil Company; that was in the spring, the early part of 1904, I believe it was, *and then the competition which seemed to cease between the Southwestern Oil Company and the Waters-Pierce Oil Company about that time, was another one of my reasons to believe that there had been some change made.*

Q. Well, is that about the time Mr. Bailey went down to Houston and instituted his suit down there?

A. It was prior—it was following that sometime; I think the suit, perhaps, if I remember, was filed maybe in October, somewhere along there; I was ordered to close up the Eagle, and it was maybe after the 1st of January that Mr. Taliaferro was taken over from the Waters-Pierce Oil Company and put in as president of the Southwestern Oil Company, and their agent there at Dallas, I think Mr. ———, anyway, he was a Waters-Pierce Oil Company ex-employee, which was another reason that I would have to believe that they were more closely identified than they had been prior to that time—Mr. Angus, I believe—

• Yes, sir; he was then agent at Dallas, and about that time,—I don't remember exactly how long it was after that, that he became the agent there; anyway, he was the Waters-Pierce Oil Company's agent at Palestine, and if I remember, he either quit them or sent his resignation in at Palestine and came up to Dallas and took the agency there for the Southwestern Oil Company. Mr. Angus' father, I think, was also agent for the Waters-Pierce Oil Company at Corsicana; in fact, there are two or three of the Anguses and I think they are all Waters-Pierce men.

Q. Did Mr. Pierce, Sr., and Mr. Pierce, Jr., or either of them make a trip to Houston along about the same time, in connection with this business?

A. I don't know anything about their making a trip in connection with that business. I know Mr. Ackard made a trip down there about the 7th of January—to Houston; he told me he had some business there; I think he made two or three trips down there perhaps, because I met him at the union depot coming from St. Louis one Sunday morning and had a talk with him, and he took the H. & T. C. and went to Houston; I think that was somewhere—I don't remember dates very well—I think it somewhere about the 1st of January, 1904; I know of his making two trips down there, because I had a conversation with him both times, either returning or going.

Q. Did he tell you he was going down on that business?

A. He did not tell me what business he was going on; he said he was going to Houston on business; *of course, he did not tell me what the business was.*

Q. What has become of the Southwestern now? Did they continue to run the Southwestern pretty much as you had the Eagle?

A. Well, I suppose the Southwestern—if they in any way connected with the Waters-Pierce Oil Company—they were keeping their office up, yes, sir; of course, the employes of the Waters-Pierce Oil Company at Dallas, perhaps, would not know of any relation that might exist between the Waters-Pierce and Southwestern, *but I had run the Eagle some two or three years before even the agent at Dallas knew anything about the Eagle and the Waters-Pierce Oil Company; they knew that competition had ceased to exist, that is, that they were getting the oil advance, you know—they knew of the advance in oil, but no one, I don't suppose, in the State of Texas, knew of the relation between the Waters-Pierce Oil Company and the Eagle Refining Company, until in 1896, when the trial came up in Waco and I was put on the stand and gave my evidence; not even the Waters-Pierce Oil Company's agent at Dallas knew it.*

Q. When did you give your testimony there?

A. I think it was 1896 that I testified in Waco trial. They bought out the Eagle Refining Company—to show you how these things can be kept a secret—nobody but the head men knew these facts, that they had bought the Eagle Refining Company out in 1894 and it was carried on—and all competition really ceased between the Eagle Refining Company and the Waters-Pierce Oil Company at that time, but there was not a man in the State of Texas that I know of that knew anything about the Waters-Pierce Oil Co., owning the Eagle; now, Mr. Pierce and Mr. Finlay and myself were the only men in the State of Texas that knew of it when the Waco trial came up here in 1896, the year I gave my evidence in that case, and I know it was then that the Waters-Pierce Oil Company's agents learned for the first time the exact conditions that existed between the Waters-Pierce Oil Company and the Eagle, and that was two years ago.

Q. Would the fact that they ceased to become active competitors, as they had been and would the fact that the Pierces had been

down at Houston with reference to that suit by Mr. Bailey and would the fact that the Eagle's business was closed out entirely lead you to conclude that the Southwestern became an ally of the Waters-Pierce Oil Company?

Mr. Stone: I think the facts would be better than a conclusion.

The Chairman: I think so.

Mr. Cocke: The gentleman is an oil man.

The Chairman: He can state any facts he knows, but I don't care for any conclusions and I don't suppose the Committee does.

By Mr. Cocke:

Q. Are you an expert in these matters, Mr. Clem? Been engaged in that for a long time?

A. In the oil business?

Q. Yes, sir.

A. I have been in the oil business since 1889.

Q. If the Committee does not care for the benefit of your opinion—tell us, if you know, what has become of the Southwestern Oil Company's business now?

A. Well, in Dallas—and I think it is pretty much that way all over the State, so far as I have been able to learn, *they began to liquidate* some time about the first of October or the middle of September.

Q. Last year?

A. Of last year, yes, sir; they sold out their stock, I understand, in Dallas; their plant is still there and they have a man in charge of the plant, *but he is not doing anything*.

Q. Who did they sell it to, do you know?

A. They sold out their oil—their stock, I mean their refined oil—not their warehouses and appurtenances, they have not them; they are still there yet, but they are letting the stock run down, selling out the stock of refined oil, and they are not making any other.

Mr. Cocke: Well, if the Eagle Oil Company has been absorbed and driven out of business and if the Southwestern Oil Company has been absorbed and ceased to do business, does it remain true that two active competitors of the Waters-Pierce Company have been eliminated from this field?

A. Yes, sir.

BAILEY & COMPANY ADVANCE OIL FOR TEXAS PEOPLE FROM 12c TO 23c PER GALLON.

How did you do business? Cut under or sell at the same price?

A. Sold at the same price, yes, sir.

Q. When you spoke of the Southwestern about a certain time ceasing to compete actively in the field for trade, in what sense did you use the term—with reference to the sense in which you used it with reference to the Eagle or some different sense?

A. Well, I used it in the same sense.

Q. Well, now, after the Eagle went out and the Southwestern

came in, about the time when you suppose that these officers, formerly of the Waters-Pierce Oil Company? Did it go up or go down?

A. Of course, I have not got it right exact—but I am sure—

Q. As near as you can get it.

A. I am quite sure the price advanced—I think it was about 12 cents in October for Eupion oil *and about the time I was ordered to close up the Eagle, in January, I know it was 15 cents—I remember that very distinctly in Dallas.*

Q. The January following?

A. The January following, yes, sir—say sixty days or three months.

Q. It went up how much?

A. About four cents a gallon.

Q. It went up when the Eagle ceased to twelve cents, is that it?

A. No, when the Eagle ceased—now, when the Eagle ceased, oil, Pennsylvania, went from 9½—water white, up to 23 cents, in five or six months, perhaps when,—that is, when the Eagle ceased there was an advance in oil from 12 cents to 16 cents in Dallas, and then I think the country price went up somewhere about 23 cents; I know it got so high I concluded I would go in business for myself, and so I organized an independent company and went out against them, and that is how came me in the oil business, the price got so high the second time—one of the reasons. I know the competition of the companies ceased and they did not do business like they started in; they were very active competitors of the Waters-Pierce Oil Company when they first started.

Q. You say the price of oil advanced in 1894 when the Waters-Pierce Oil Company acquired the Eagle Refining Company from 9 cents—or did you say from 12 cents, to 23 cents a gallon at that time?

A. I think it advanced from somewhere about 10 cents up to 23 cents before it ever had any reaction much.

When I quit the Waters-Pierce Oil Company, Eupion oil was selling at 16 cents in Dallas, and I figured out that I could go into business and make money on oil at 16 cents.

Q. All right.

A. But since I went into business—I found that when I had oil to offer there was a cut of 2 cents a gallon, being governed by a kind of rebate business or something like that.

Q. By whom?

A. By the Waters-Pierce Oil Company, and then finally they cut down to 15 cents, I believe, straight and then cut it down to 14 cents, and they kept cutting it down until they got Eupion oil to 10 cents a gallon, three months after I went into business.

Mr. Jenkins: Was there anything in the general conditions of the oil market to cause oil to decline from 16 cents, at the time you went into business, to 10 cents after you went into business?

A. No, sir; there was not.

THE SOUTHWESTERN OIL COMPANY IS OUT OF OIL NOW AND NOT DOING ANY BUSINESS.

TALIAFERRO, BAILEY'S MANAGER, A STANDARD OIL MAN.

By Mr. Cocke:

Q. Do you know how long this man Taliaferro had been with the Waters-Pierce Oil Company before he went to the Southwestern Oil Company?

A. I think he had been with them about six or seven years; he was connected with a cotton seed oil establishment and was also car accountant while I was running the Eagle, because I would report the movement of our tank cars to E. N. Taliaferro.

METHODS OF EAGLE OIL COMPANY UNDER WATERS-PIERCE CO., DOMINATION.

Q. Now, after the Waters-Pierce Oil Company acquired control of that company, where did you get your oil?

A. Well, it came from St. Louis; we sent the orders direct to St. Louis and it would be shipped from St. Louis to Dallas direct to the Eagle Refining Company.

Q. To whom would you send the orders for your oil?

A. I addressed my orders to Mr. A. M. Finlay, St. Louis.

Q. Who was Mr. A. M. Finlay at that time.

A. He was president, I think—or the vice president at least of the Waters-Pierce Oil Company.

Q. Did the Waters-Pierce Oil Company have any agents or auditors come down and look over your affairs and exercise—

A. The auditors came down, yes, sir, and checked us up.

Q. Did you see—did any of the Standard Oil Company auditors have anything to do with your business at that time?

A. No, sir; I don't know how about that; I know the auditors came down there but I don't know whether they were Standard Oil or whose they were; of course, if there was any Standard business with it, *they kept that a secret from me.*

In 1900 and 1901 the oil that we used was purchased in Corsicana, that is, the oil we sold was coming from Corsicana; after the refinery was built in Corsicana our oil was all shipped from Corsicana to Dallas. It was generally understood that the refinery at Corsicana *was not independent.* I would send my orders to St. Louis, to A. M. Finlay, and he would ship it from Corsicana in the name of A. Angus. He was their agent there with the Waters-Pierce Oil Company at Corsicana.

When the Waters-Pierce Oil Company was fighting the Eagle Refining Company they would cut the life out of prices and refuse to sell to a man unless he would sign a contract that he would buy from them and everything like that, but, of course, that is a way back yonder. They have been a great deal better towards competitors— independent men have a good deal better show now than they used to

have. [That is since the anti-trust laws of Texas have doubtless seared the Oil Trust into less brazenness but no less profits].

The current, public, general understanding in 1900 and 1901 was that the Waters-Pierce Oil Company and the Standard Oil Company were one and the same thing; business circles understood that they were part of the same thing; I know that was the general understanding of all business men who kept up.

Mr. Odell:

Q. Do you mean to say that in 1904 the Southwestern Oil Company ceased to be an active competitor of the Waters-Pierce Oil Company?

A. Well, now, I don't say that they just quit right short off; I say, though, that their business has been declining gradually ever since.

Q. Ever since 1904?

A. Yes, sir; *until they finally just petered out, as I said, like the Eagle petered out*; you understand that word "petered out" just means played out. The Eagle Refining Company, when it was converted into a blind tiger had an establishment trade of 40,000 gallons of oil a month; well, we would keep supplying that trade right along, you know, but one would drop off and go to the Waters-Pierce Oil Company, and we made no effort to get them back and made no effort to keep the trade built up, and in the course of a year or so it had fallen off to maybe 5,000 gallons, and when the Eagle was closed up we were not sell over 6,000 gallons a month, when it was closed up; *now, I contend that the Southwestern in October, 1903, had a trade worked up—a big trade, maybe, but it gradually kept growing less and less all the time and dropping off one at a time, and the result is that they kinder played out like the Eagle did.*

A HARD ROAD FOR THE INDEPENDENT DEALERS.

Q. That is, what obstacles are in the way of his doing business, if there are any?

A. Well I will tell you; I have been in the oil business here since 1889, and from 1889 to 1894 I had a hard time! I was up against the hardest competition with the Waters-Pierce Oil Company that has ever been in the United States, *and, of course, I went blind then and was blind for nine years.*

Q. I would like to know, in order that we may understand all this matter, what those difficulties were; what made you have a hard time?

A. Well, of course, when I first struck Texas—to go back to it—when I first struck oil, I found lots of merchants who never heard of any other oil except Waters-Pierce Oil Company's oil and they didn't know anybody made any but them, and they were paying anywhere from 23 to 35 cents a gallon for it, and I would put in a car-load in a town, and a merchant would take a car and bind me up to not sell to anybody else; he says, "If you won't try to sell any body else any more of this, I will take a car myself," and I would sell it at 16 cents a gallon in wooden barrels and ship it in here, and as soon

as the car would arrive the Waters-Pierce Oil Company—they would go to retailing oil and they would retail it at 10 cents a gallon as long as that man had a drop of oil in his house, *and it would leak out; that was the kind of competition we were up against.*

When I first opened up and started in the oil business [in 1904], they commenced cutting the price in Dallas, and they cut it from 16 cents to 10 cents in three months, and that got down to what my best oil cost me, and then I went to selling Beaumont dope, and they were selling Beaumont dope, about the sorriest stuff we could get, *so that it was dangerous to burn oil in a lamp at Dallas.*

BAILEY AND ALDRICH, THE TWO STANDARD OIL SENATORS, TOGETHER AGAIN IN 1908.

The Philadelphia North American in a recent issue (March 1908), contained the following scathing indictment of Senator Bailey, Democrat, *in league with Senator Aldrich, Republican, the now two conspicuous Standard Oil United States Senators.* Said editorial being as follows:

ALDRICH'S NEW ALLY.

(Philadelphia North American).

Texas is a big state and it breeds big men. For example, the acres of Texas are not broader than is the fine Americanism of Senator Culberson. Therefore we count it a pity that there must be shame today from what once was called the "staked" plain down to where the Rio Grande marks the Mexican border over the part taken in Wednesday's Senate proceedings by Culberson's fellow Senator.

Bailey is a big man—physically and mentally. Honest regret is all the greater when a giant in intellect proves himself to be a Lilliputian in character.

Long ago, in speaking of Knox, we coined the term "national senator," to fit the few men of commanding ability and purity of purpose who are drafted into the service of the whole United States, because the country cannot afford to let the energies of such to be restricted to the affairs of a single state.

In the past we had deemed Bailey of Texas well worthy of a place in that small, honored contingent. Student and orator, a born leader and winner of men, an authority on constitutional questions fit to stand beside Knox himself, we let no partisan feeling cloud our admiration for this Texan.

Yet this same man, after making a speech, 48 hours before, ostensibly in opposition to the Aldrich bill, championed in the senate on Wednesday the most vicious feature of one of the most harmful measures which evil interests ever attempted to foist upon the American people.

Bailey is a great lawyer. But this time his case was so bad that, for once, he was not even plausible. Though it may seem a contradiction in terms, his arguments was oily, but it was not smooth.

Slow as we have been to credit the attacks upon Bailey by his

enemies, we may say bluntly that while he may or may not have affiliations with Standard Oil, no Wall street tool of Rockefeller and Rogers could have served them so well as did this Texan in aliging himself with Standard Oil's handiest man, Mr. Aldrich.

Bailey did not indulge in frank and open advocacy of the bill condemned by every sane business man in America. *He calculated his utterances with care.* His device was to cripple opposition to the outrageous scheme by exploiting and indorsing, under the pretense of criticism, the one vitally vicious principle of the bill.

Every session of congress presents some strange examples of inconsistency. We recall none so deplorable as this attempt by Bailey to place railroad bonds above commercial paper as desirable, useful and profitable investments by banks of the money of depositors.

This man, though now deposed, was the leader of his party, and through many sessions was the foremost democrat in congress. He comes from a state and section whose present strength and future are dependent upon legitimate commercial development. He knows the history of the iniquitous bond flotations of the past ten years. He knows the story of the wrecking of the Alton. He is bound to note the passage of bond-burdened railroads into the hands of receivers.

Yet he stands forth as a leader and calls upon the Southern Senators and congressman to approve the economic heresay that the money of each community should be invested in the dubious securities Wall street is eager to unload, instead of being used for the industrial and business needs of that community.

Bailey has gone even farther than Aldrich dared to go. The author of the measure which should be entitled, "A bill to permit Wall street to plunder the commerce of America," contented himself with ignoring commercial paper as a basis for currency. Bailey proclaims its inferiority.

Aldrich made a feeble attempt at deception by declaring that his bill was modeled upon the German currency system, "with a slight difference in the character of securities used for emergency issues." Silence was his only response to the prompt rely of the business world that the worst fault of his bill was its difference from the German system. But Bailey comes forward and declares, in substance, that Aldrich and Wall street alone are right and Germany, France and England are wrong in considering approved commercial paper maturing at short intervals the only safe and proper basis for an elastic currency.

Bailey stands besides Aldrich and Cannon today as spokesman for the gambler against the American business man. If what these men say were true, if Wall street's railroad bonds are better than the paper of the merchant and the manufacturer, it would be time for every business man to stop business and take up gambling for his occupation.

But Bailey is merely the echo of a falsehood—for what reason we know not. *Pennsylvania, remembering its Penrose, looks southward and offers its sympathy to misrepresented Texas.*

ANTIDOTES FOR BAILEYISM.

I have always believed, and I shall ever believe, I hope, that a man's duty to his country is higher than his duty to his party.—*William J. Bryan*.

Political cowardice, is but another name for moral cowardice. Alas, for the good of the race and the perfection of human government among men, that all men will not speak out and act upon their convictions without regard to consequences.—*The Author*.

I hope that men of all parties will have the courage to leave their parties when they believe that to stay with their parties would injure their country. The success of our government depends upon the independence and moral courage of its citizens.—*William J. Bryan*.

Cultivate forbearance till your heart yields a fine crop of it.—*Spurgeon*.

They never pardon who commit the wrong.—*Dryden*.

The more gross the fraud the more glibly will it go down, and the more greedily be swallowed.—*Colton*.

Fraud generally lights a candle for justice to get a look at it; and a rogue's pen indites the warrant for his own arrest.—*Anon*.

How often do we see men afraid of their shadows, especially their political shadows. In such cases, if the shadow does outline the real character of the man, then there is perhaps reason for him to be afraid.—*The Author*.

No man is free who is not master of himself.—*Epictetus*.

The friendships of the world are oft confederacies in vice.—*Addison*.

Gambling with cards, or dice, or stocks, is all one thing; it is getting money without giving an equivalent for it.—*H. W. Beecher*.

Gambling is the child of avarice, the brother of iniquity, and the father of mischief.—*Washington*.

The real gentleman should be gentle in everything, at least in everything that depends on himself,—in carriage, temper, constructions, aims, desires. He ought, therefore, to be mild, calm, quiet, even, temperate,—not hasty in judgment, not exorbitant in ambition, not overbearing, not proud, not rapacious, not oppressive; for these things are contrary to gentleness.—*Hare*.

The lust of gold, unfeeling and remorseless; the last corruption of degenerate man.—*Johnson*.

To purchase heaven has gold the power? can gold remove the mortal hour? in life can love be bought with gold? are friendship's pleasures to be sold? no—all that's worth a wish—a thought, fair virtue gives unbribed, unbought. Cease then on trash thy hopes to bind, let nobler views engage thy mind.—*Johnson*.

The man who sacrifices his political convictions for political expediency is to that extent politically dishonest.—*The Author*.

Gold! in all ages the curse of mankind! To gain thee, men yield honor, affection, and lasting renown, and for thee barter the crown of eternity.—*P. Benjamin*.

The grave buries every error, covers every defect, extinguishes every resentment. From its peaceful bosom spring none but fond regrets and tender recollections. Who can look down upon the grave of an enemy, and not feel a compunctious throb that he should have warred with the poor handful of dust that lies moldering before him.—*Washington Irving*.

A really great man is known by three signs—generosity in the design, humanity in the execution, moderation in success.—*Bismark*.

If any man seeks for greatness, let him forget greatness and ask for truth, and he will find both.—*Horace Mann*.

It is easy in the world to live after the world's opinion—it is easy in solitude to live after your own; but the great man is he who, in the midst of the world, keeps with perfect sweetness the independence of solitude.—*Emerson*.

The man who is afraid to stand up, bravely though modestly, for what he earnestly believes to be right, deserves to fall; and that man who does so stand, though he stand alone, save with his conscience and with his God, deserves to stand though he be cut down with a thousand sabers and pierced to the heart with unnumbered and numberless wounds. Such men are the salt of the earth; such the saviors of the race.—*The Author*.

Great men never make bad use of their superiority; they see it, and feel it, and are not less modest. The more they have, the more they know their own deficiencies.—*Rosseau*.

CHAPTER XXII.

BAILEY AND THE LUMBER TRUST.

METHODS OF THE LUMBER TRUST.

In March, 1908, the Attorney Generals of Texas, Kansas and Missouri, undertook an investigation of the Lumber Trust's operations in the Southwest and the following resume of the testimony of the secretary of the National Lumber Manufacturers' Association is significant and illustrative of how the people are being robbed by one of Bailey's many friends, the Lumber Monopoly.

Special to The News:

ST. LOUIS, Mo., March 24.—The investigation, begun here today by Attorney General Hadley against half a hundred large lumber concerns, developed the fact that prices on lumber have been promulgated through the secretary of the National Lumber Manufacturers' Association and that persons not in the lumber business, such as contractors, are unable to buy at rates made to retailers for a carload of lumber and occasionally can get no quotations from which to order at all. This testimony was given by George K. Smith, secretary of National Lumber Manufacturers' Association.

The testimony of Smith brought out the fact that the lumber companies in 1904 curtailed the production of lumber over 33 per cent and that prices moved up so fast that the price list committee had to meet several times during the following months to keep the trade advised. His testimony further showed that a farmer, who wants a carload of lumber, and orders it from any manufacturer in the association, if quoted prices at all, will be quoted higher than his nearest retail dealer to discourage those not in the trade from attempting to buy lumber direct.

It was shown that if the farmer got the lumber he was made to pay higher prices than the retailer. Farmers' co-operative lumber companies organized for mutual benefit were the subject of resolutions by the lumber interests in convention *and it was decided to wipe them out if possible*. Contractors were served in the same way as the farmer, who was used as an illustration. Small lumber dealers, unable to have on hand but a few car loads of lumber are called "illegitimate dealers," and often their orders for lumber are unfilled. Smith explained the term "poacher" as a retail dealer who ships lumber into another town where he has no yard to make sales.

BAILEY PROCURES \$150,000 LOAN FOR KIRBY FROM PIERCE IN ABOUT THIRTY DAYS AFTER KIRBY EMPLOYED BAILEY.

The witness Bailey (cross-examination)—

Q. Do you know anything about the \$150,000 note, if there was such a note, endorsed by Pierce to a St. Louis concern in January, 1903, for the Kirby Lumber Company?

A. I do.

Q. At whose instance was his signature procured, do you know?

A. At Mr. Kirby's, I understand.

Q. Did you have any connection with that?

A. Well, I could not say I had any connection with it. I knew all about it at the time.

Q. The question is whether you procured his endorsement?

A. No; I did not procure it, *but I insisted it was entirely safe for him to endorse it for Mr. Kirby.* Without Mr. Kirby's knowledge, I presume, he asked me about it, asked me about Kirby, and I insisted that it would be an entirely safe transaction, and then I found that Mr. Kirby had offered to secure it with some warehouse receipts of lumber, and that, of course, made it safe, independently of Mr. Kirby's personal guaranty or obligation.

Q. Have you any knowledge or information as to how it was paid?

A. Yes; I know how it was paid.

Q. Well, who paid it?

A. Mr. Pierce paid that himself. In this \$600,000 transaction Mr. Pierce, instead of furnishing \$200,000 in cash, as Yoakum and Campbell each did, he took that as a part of the \$200,000 contribution and gave his check for the balance of it. My recollection is he gave that check to me and I endorsed it and turned it over to the Kirby Lumber Company, or rather, I think I used it in paying some matters of the Kirby Lumber Company—probably did not turn it over to them. I think, maybe, Mr. Kirby was not there, or if he was he was not convenient, and my recollection is that the check was made payable to my order, and that I endorsed it and got the money and applied it to the indebtedness of the Kirby Lumber Company. [Attention is again called to the silent figure of "My dear Pierce." His ghost follows Bailey through all the rich, though weary years, since Bailey, formerly the idol of his people, fell from political grace—if indeed, he ever professed or practiced the code of political morality or ethical uprightness.]

BAILEY DISCUSSES HIS DEALINGS WITH KIRBY.

The witness Bailey (continuing p. 880): I want to say to the committee that I would not do it [testify about his dealings with Kirby] at all except Mr. Kirby has done it *and I told him that he need not lay his business before this committee*; my relations with him had absolutely nothing to do with politics or with legislation or with the action of any department in the government, *and it was an unwarrantable intrusion into his private affairs.* But he said he was willing to do it and I need not feel embarrassed, as any lawyer must feel to have the fact he had acted as attorney for a man and bring that man in and compel him to disclose all of his private business.
* * * Some time in the fall, I think, of 1902, I had a telegram from Mr. Kirby—it might have been a letter, but I think it was a tel-

egram—asking me to come to New York. I went. He told me what his situation was, explaining to me at length about the organization of these companies and about leaving the stock of the—the stock of the Houston Oil Company which belonged to the Kirby Lumber Company, with Mr. Calhoun; that he had been there trying to procure a delivery of that stock to him for the Kirby Lumber Company and Calhoun had not delivered it; had first put him off on one pretext and then another, and then finally either he said Calhoun had told him, or he had become satisfied that Calhoun had hypothecated that stock belonging to the Kirby Lumber Company upon Calhoun's own loans, and he wanted me to take the matter up; asked me if I could do it. I told him I could and I would. * * * I told Calhoun I was going to contest the validity of that sale [the sale of 9,600 shares of Houston Oil Company stock to the Kirby Lumber Co.], and was not going to recognize it at all, and I wanted him to take it back without a law suit. * * * After pressing that for some time he finally proposed himself, I think, or it is possible that I proposed, but I am almost sure he proposed, that if we would release him from his subscription to the capital stock of the Kirby Lumber Company, that is the preferred stock of the Kirby Lumber Company, he would purchase this Houston Oil Company stock which he had sold, but which he had never delivered to the Kirby Lumber Company. I canvassed the matter with Mr. Kirby and we agreed that it was the best thing to do. Indeed, it was nearly the only thing that we could certainly do about it. Then the question arose about the authority of the Kirby Lumber Company to make a contract. * * * I told Mr. Kirby that I would not advise that the Kirby Lumber Company could make that kind of a contract. If it did, the contracts could not be enforced as against Calhoun or anybody else. The next question was to find somebody who would make it. Kirby and Calhoun at this time were at outs with each other and my first idea was that Mr. Kirby might make it. Mr. Kirby asked me if I would be willing to make it, and I told him I would. Of course, it was a contract of more or less danger because if I purchased this stock from Calhoun—gave him my contract to purchase it and borrowed money to make the payments that had already been made and return them to him and then the negotiations which Kirby had under way with Yoakum should fail, I would be left with, I think it was about 7,500 shares of this stock and I would be left with a contract on my hands to buy that stock and it would hopelessly involve me; that is if these negotiations with Yoakum failed the perplexities of the Kirby Lumber Company would be multiplied and I did not see any way out of receivership proceedings. [But Bailey was willing to risk his ability and influence as a United States Senator to dispose of this stock to the Railroads and therefore took the risk of "hopelessly involving himself." As we will see presently, Pierce came to his rescue; in fact, Pierce shows up in absolutely every one of Bailey's big corporate dealings after the historic loan of April 25, 1900.] But Kirby, who is a san-

guine man about his business matters and by the way, one of the ablest men I have ever known in all my experience in business matters—he thought that this was an immensely valuable property and that whatever happened temporarily—that the increase in the timber—in the price of timber would make the Kirby Lumber Company a valuable property; so I made the contract with Calhoun; he repurchased the nine thousand and odd shares of Houston Oil Company preferred stock which belonged to the Kirby Lumber Company and I purchased from him his subscription to the capital stock of the Kirby Lumber Company. Calhoun had still a credit on the Kirby Lumber Company books of three or four hundred thousand dollars, arising out of his sale of this Houston Oil Company stock to the Kirby Lumber Company. I used that in paying him as far as it would go—canceled that I mean, of course; when he paid it back to the Kirby Lumber Company the Kirby Lumber Company would owe him that \$733,000; the balance of it we arranged; then I paid for the stock or I will call it “subscription certificates,” for that is all it was at that time of the Kirby Lumber Company. * * *

PIERCE BECOMES GUARANTOR FOR BAILEY AT A NEW YORK BANK.

Landenberg, Thalman & Company, availing themselves under the privilege of the terms of the subscription, paid their full amount at first, \$150,000, and that amount had run long enough for the interest to accumulate to the extent of, as I remember it, \$6,800. I had to pay this \$156,800 to Landenberg, Thalman & Co. under the terms of my contract with Calhoun. I knew they had this stock and I went to Mr. Pierce and told him I wanted to borrow \$156,800, or whatever it was, I knew exactly at the time what it was, and that I wanted him to loan it to me or get it for me. He said, “All right.” I told him I had ample security, and he said, “All right,” that he could get it for me and he asked me what I wanted with it, or probably I voluntarily told him what I wanted with it; I am not certain about that; when I told him that I wanted to pay it to Landenberg, Thalman & Company he said, “I know them very well; I do business with them. I will go down there with you and see about it.” And he did go with me to the office of Landenberg, Thalman & Company—it is in the same building—I think Mr. Pierce’s offices were on the twelfth floor and Landenberg, Thalman & Company’s offices were on the third floor, in the same building; he went down there with me and introduced me to one member of the firm or may be to two members of the firm, and he told them that I wanted to make some arrangements there for some money that had related to some transaction which they had had with Calhoun or the Kirby Lumber Company; he vouched for my character and standing [just as David (Francis) had vouched for Clay’s (Pierce’s) standing to Joe some years before and with just as little foundation therefor] and told them they could rely on any representations I made to them, and he went away. I told them then the transaction and that I wanted to pay this amount of \$156,800 and

they agreed to let me have the money—to loan it to me, provided Mr. Pierce would endorse the note; I told them I did not think Mr. Pierce expected them to require that; that they not only had the stock but they had Calhoun's agreement to take it off their hands. I explained further that if they took my note, secured by the stock they would then have my contracts and have the stock as collateral, whereas, they held it as the owners. They declined to accept my view of the transactions and insisted upon Mr. Pierce endorsing the note. I went back to Mr. Pierce and explained the matter to him and he either endorsed or guaranteed the note; I am not certain which—my recollection, however, is that he gave a guarantee—a written guarantee—without being certain on that point, however. I left this stock which had become my property as collateral, with the note which I had executed to Landenberg, Thalman & Company. That is the complete history of the \$156,800 note. When this stock was sold to Mr. Yoakum and his associates and the money was paid for it, I took up the stock and delivered it to Mr. Yoakum, that stock as well as the other Calhoun stock subscriptions being a part of the stock which I had bought from Mr. Kirby. That is the end of that transaction.

BAILEY DEALS WITH YOAUM, ET. AL.

The witness Bailey (continuing p. 884) : When I was called over there Mr. Kirby told me, perhaps at the time and if not, a little later, that he hoped to sell these certificates to Yoakum, and I think maybe he had somebody else in contemplation; I know he did, in fact. He was conducting that negotiation and I was trying to reduce these stocks to possession, but about the same time or at the same time I talked with Mr. Yoakum frequently about it and urged him to buy them. I felt that it was perhaps the best tonnage proposition in this State, and probably the best tonnage proposition in the South, and I urged that view on Mr. Yoakum; I wanted Mr. Yoakum to have it because I like Yoakum; he is a Texan and he has made himself and he has helped to develop the State and I would rather see Yoakum acquire that tonnage than any other railroad man in Texas, and I urged him to buy it. * * * I think nearly the whole conversation was with Mr. Yoakum. I talked with Jim Campbell about it, and I have no doubt I talked with Mr. Pierce about it. [So we see the hand of the oil master, Pierce, throughout all these transactions.] * * * I take the full responsibility for urging that trade. I believe it was a good one for the Kirby Lumber Company, and I believe it was a good one for Yoakum, and I had his interest in view, because I liked him. He is a native Texan, and he has helped to develop this State, and then I think I did not lose sight of the fact that the more tonnage we furnish the railroads to carry back the less our freight rates will be. [And yet Bailey proclaimed to the world in his rate bill discussion, properly so perhaps, that a transportation company should not be permitted to own an interest in shipping companies or other allied concerns. Thus we find another illustration of Bailey's apparent atti-

tude on these questions so far as the public is concerned, but privately he is constantly making capital and coining money for himself by violating in practice the very theories he advocates in public.]

The witness Bailey (continuing p. 945): My impression always was they were buying it for the 'Frisco Railroad. They were the three principal stockholders of the 'Frisco Railroad, and indeed, so far as I urged it at all, I urged it upon Yoakum as a tonnage proposition, coupled with the fact that it was a good investment. * * *

BAILEY BORROWS \$130,000 FROM BROWN BROTHERS BANKERS OF NEW YORK ON UNKNOWN COLLATERAL.

Q. But it only required \$156,000 in money for you to make whatever payments were necessary and adjust the matter with Mr. Calhoun?

A. Well, you are mistaken about that. It required \$130,000 to return Calhoun the \$20 per share on the other 6,500 shares that had been paid, and then it required \$156,000 to take up the stock at Landenberg, Thalman & Company.

Q. Where did you get that \$130,000?

A. I don't know where I did—I *don't know that it is any of your business, the committee's business I mean, where I got it.* I didn't get it from Mr. Pierce and I didn't get it from the Standard Oil Company, and my opinion is that when I got it that I took a part of the money which I was to receive from the Kirby Lumber Company and anticipated it, I think I got that money at Brown Brothers, but I am not sure about that. [Note that he does not say above but that Pierce may have endorsed for him at Brown Brothers on this \$130,000 loan, just as Pierce did endorse or guarantee for him the \$156,000 from Landenberg, Thalman & Company of New York.]

PIERCE, CAMPBELL AND YOAKUM SAVE BAILEY'S FORTUNE.

The witness Bailey (continuing on cross-examination p. 968):

Q. Now, if this deal had not gone through and you had been left with the stock at that time, and you were responsible for this \$156,000 that you borrowed at that time, were you financially able to respond in \$156,000?

A. *I was not, I would have been hopelessly broken.*

Q. Well, Mr. Pierce was, wasn't he?

A. Oh, yes; amply able.

Q. And he had signed this obligation—then?

A. He had either signed it or guaranteed it. * * *

Q. Well, you think it was worth that to assume that hazard?

A. I did not say that, but I say I would not go today and take that chance for the money, and I would not have done it then as a cold business independent proposition. A man to tell me he would give me \$90,000, \$94,000 to go and take, or give me \$150,000, to go and take a chance involving myself to the extent of more than \$600,000 upon a property that had to be financed, still I would not take the chance. * * *

Q. Now, what was that stock worth?

A. Well, *there was no market value for it.* It had not been listed and while the property was in operation and making good showing under the circumstances, it still had been insufficiently financed, and if you had taken the stock out to have sold it on open market, *it probably would have fetched very little.* It had to be sold, if sold at all, to somebody who knew the value of the timber on that land, who knew about the saw mills and knew about the conditions of the lumber market. [Then, why should a United States Senator put himself under such urgent necessity and such great obligation to the Railroad money masters on whom he had to depend to purchase \$1,600,000 dollars' worth of corporate stock and thus save the said Senator from being "hopelessly broken"?]

Q. Well, whatever financial losses you might have incurred in the matter, you were saved from incurring by the fact that Mr. Yoakum and Mr. Campbell and Mr. Pierce did take the stock?

A. Yes, sir; I suffered no loss in it.

KIRBY DEPOSITS \$1,000,000 WORTH OF KIRBY LUMBER COMPANY STOCK WITH BAILEY, FOR PIERCE, CAMPBELL AND YOAKUM, REPRESENTING THE RAILROAD INTERESTS.

The witness Bailey (continuing on cross-examination):

Q. Now, why was Mr. Kirby's stock put in your hands instead of the hands of J. P. Morgan; I understand they suggested it be deposited with Morgan & Company?

A. Well, that matter passed out of my mind entirely until Mr. Kirby spoke of it. The fact of it is, it had passed out of my mind that the million dollars was ever put in my hands until I believe the Dallas News printed a sensational story that I had a million dollars' stock in the Kirby Lumber Company, and then that reminded me of this transaction. Mr. Kirby really—I say it reminded me—when I first heard it in the News I was disposed to think it was an invention, but that very night I was thinking about it and I recalled that that must be what they meant, that that was the only transaction in which my name was ever connected with a million dollars' worth of the stock exactly a million dollars, but of course, my name is connected with this Calhoun stock. I thought at first that was it, and then the next morning I saw a card from Mr. Kirby and it all came back plain then that it was that. There was just a million dollars of that, but when I first read the story in the Dallas News, or when somebody called my attention to it, I felt absolutely that what they had in their mind was this Calhoun stock that I had bought from him. * * *

Q. Well, now; as to this sensational story in the News, or what you took to be that, while in fact you held that million dollars' stock in trust for Kirby, yet upon the face of the matter it was true that the million dollars' stock had been issued to you, wasn't it?

A. Well, I think Mr. Kirby says it was issued to me as trustee.

MR. B. F. YOAKUM, THE BRILLIANT RAILROAD MAGNATE AND HIS DEALINGS WITH THE STANDARD OIL SENATOR FROM TEXAS.

The Witness Yoakum (pp. 562-568 Com. Rept.) :

My name is B. F. Yoakum; my business, railroad business. I am connected with the St. Louis, San Francisco and Rock Island, and, in fact, there are several, but you don't want them all.

Q. You had some negotiations with Senator Bailey, had you, on account of the Kirby Lumber Company some several years ago?

A. Yes, sir.

Q. Will you please state what those were?

A. I can not remember them in detail; I can give you the general situation, I guess. I purchased some of the Kirby Lumber Company stock, of the preferred issue—the negotiations—

Q. Do you remember how much stock you purchased?

A. I do not, but my memory is refreshed somewhat on some published testimony that I have read and I think is about correct.

Q. Well?

A. It was about 15,000 or 16,000 shares.

Q. *With whom did you begin and with whom did you end those negotiations?*

A. *Senator Bailey.*

Q. When did you commence negotiations for the purchase of these shares?

A. I really can not remember; I am not good on remembering dates, without refreshing my memory I can not give you the time.

Q. Whom did you represent besides yourself in that connection?

A. I bought the stock for myself and associates, which were Mr. Campbell and Mr. Pierce.

PAYS \$75.00 PER SHARE FOR KIRBY LUMBER COMPANY STOCK WHICH HAS NO MARKET VALUE.

Now, I am mistaken about that—the preferred stock was purchased and it does belong to the 'Frisco.

Q. What steps were taken by you to ascertain the value of this stock that you bought?

A. No, I don't recall; except that I looked into it, as I have stated; the tonnage feature of it was attractive to me.

Q. How did you get your information as to what stock was really worth.

A. From the values, of course—the values of the property, the values of the timber and the value of the mills and the value of the property as a whole.

Q. You misunderstand me, Colonel; how did you find out what they did have?

A. Well, I can not remember distinctly; *I presume I got it from Senator Bailey; I was dealing with him.*

Mr. Odell: Do you remember sending a man down here to look

over the properties of the Kirby Lumber Company and make an inspection of them and examine the books before this stock purchase?

A. *No, sir.*

By Mr. Cocke:

Question: Had the stock you purchased, Colonel, any market value, do you know, at the time? If so, what?

Answer: I don't know that it had any quotation; of course, it might have had on what is called "the curb" market, therefore I can not say; I think it was quoted on the curb, what is called the "curb quotation," but not on the regular stock exchange quotation, and I don't know what it was; I might have known at the time, but if I did, I have forgotten.

Q. Was it \$30 or \$40 a share?

A. I don't think the Kirby preferred ever sold for that figure on the curb, although I am not certain.

Q. What did you gentlemen pay for it?

A. *I cannot say positively about that, but I think it was \$75.00*

RAILROADS HAVE BUSINESS BEFORE CONGRESS.

Q. All laws governing the Indian Territory, whether they relate to railroads or other matters, at that time originated with Congress, didn't they?

A. I understood so, yes, sir; I am not a lawyer.

Q. Well, every law relative to or affecting the Territory then, whether it related to the railroads or anything else, came from Congress, didn't it?

A. That is as I understand it.

Q. You had quite an extensive mileage in the territory?

A. We built pretty largely in the territory.

Q. You were proposing to build from—down through Louisiana into Texas?

A. Eastern Louisiana.

Q. And across Texas?

A. Across Texas from Fort Worth.

Q. Didn't that require some Congressional action?

A. None whatever.

Q. How about crossing streams, navigable streams?

A. We go to the War Department for that.

Q. Has the 'Frisco road or the Rock Island acquired any railroad properties in the Indian Territory since that time by purchase?

A. No, sir; we have built—we have been building more or less roads in the Territory for the last eight years; I think we have only extended our line—what is known as the Lawton line within the last three or four years.

Q. Have you acquired any railroad properties by purchase through the authorization of Congress?

A. I don't think we have.

Q. You bought the Ozark & Cherokee Central?

A. We bought the Ozark & Cherokee Central, but that did not require any Congressional action because we bought it as a complete road.

Q. Are you sure it was not necessary for Congress to pass on the transfer to your company, under an act in the United States statutes approval in April, 1904?

A. If it was necessary we did it; I don't know whether it was necessary or not.

Q. At any rate your company acquired this property?

A. We bought the Ozark & Cherokee Central as a constructed property; we did not build that.

Q. Is the same thing true of the Arkansas Valley & Western road?

A. We purchased that property.

Q. Through the same form?

A. We bought it from the stockholders, from the owners, yes, sir.

Q. It was a completed property?

A. It was a completed property, yes, sir.

Q. The United States statutes also show an act approved March 3, 1905, by which the Rock Island was authorized to buy the Chicago, Oklahoma & Gulf Railroad Company—do you remember that transaction?

A. Yes, sir; but that was before my connection with the Rock Island—what road is that?

Q. The Chicago, Oklahoma & Gulf, that was in March, 1905—were you not connected with the Rock Island then?

A. Yes, sir; that was just about the time; I was not actively connected with them; I am not familiar with that matter.

Q. Colonel Yoakum, are you acquainted with H. H. Rogers?

A. I don't know him, no, sir.

Q. Have you ever been at 26 Broadway?

A. I believe I did meet him on one occasion and shake hands with him; I never had any conversation with him.

Q. Have you ever been at 26 Broadway, the reputed head-quarters of the Standard Oil Company?

A. *I have.*

KIRBY THE LUMBERMAN, BAILEY AND HIGH FINANCE.

JOHN H. KIRBY

the Texas Lumber King who was once involved in a charge of having bribed the District Attorney of Travis county, Warren Moore, by payment of \$12,500 in consideration of the dismissal of the suits against his Lumber Companies, for the violation of the anti-trust laws of Texas, appeared before the Committee and testified (Bailey Invest. Com. Report, 1907, pp. 421-471, 483-498), in substance as follows:

I am president of the Kirby Lumber Company; reside in Hous-

ton, Texas. The Kirby Lumber Company was chartered July 5, 1901, as was the Houston Oil Company; the Kirby Lumber Company being capitalized at \$10,000,000, and the Houston Oil Company at \$30,000,000. [This latter is the largest capitalization of any corporation ever chartered in Texas.]

S. B. Cooper, Jr., was one of the nine directors of the Kirby Lumber Company. [Son perhaps of Congressman S. B. Cooper who testified for Bailey. There are always wheels within wheels it would seem.]

I employed Senator Bailey about November, 1902, as attorney for the Kirby Lumber Company and as my counsel in New York. Among the assets of the Kirby Lumber Company was something near four million dollars of the Houston Oil Company preferred stock, and a like amount of the common stock. It had not been delivered to us, however.

After arriving in New York I arranged with some bankers there, Brown Brothers & Company, of New York, and the American Loan & Trust Company of Boston, to loan the Kirby Lumber Company a million and one-half dollars, on this stock as security, that is on the Houston Oil Company's stock supposed to be in our treasury. I called on Mr. Calhoun for the stock, [He was financing both the Houston Oil Company and the Kirby Lumber Company.] and then he admitted that he didn't have it. I telegraphed to Senator Bailey to come over to New York and I laid the situation before him and asked him if he would go after the gentleman for me, which he consented to do. From November, 1902, to May, 1904, I relied on him entirely. He was my counsel in New York, and I was there nearly all of the time, trying to overcome the financial condition the Company was in by the absorption of its cash capital and the substitution of this Houston Oil Company preferred stock.

There was one matter that took a great deal of our time which afterwards culminated in the receivership. The Houston Oil Company had sold to the Kirby Lumber Company eight billion feet of lumber for the fixed sum of \$38,250,000 to be paid in fixed semi-annual installments covering a period of about twenty years. Senator Bailey was with me a great deal and when he was not there I was acting under his advice in all I did.

Shortly after the Senator's engagement the first thing to be done was to reduce this Houston Oil Company preferred stock to possession which Mr. Calhoun had. The Senator went after that vigorously and reduced to possession all of that stock except \$650,000 and we are suing for that now in the Federal Courts at Houston.

Mr. Calhoun is an operator in Wall street, a financier I believe is the designation, and was introduced to me in 1900 as second only to J. P. Morgan in his power to do things and his ability to raise money. Certain of the common stock of the Houston Oil Company was to be used in financing the corporation and after that was done, he was to own one-half of what remained, as a consideration to him for doing

the financing, that way his share of the common stock would mean five to six million dollars, par value.

Mr. Calhoun had previously used some of the Houston Oil Company preferred stock belonging to the Kirby Lumber Company, behind some loans he had obtained in New York for the Lumber Company, and the amount remaining in his hands was something in excess of three million dollars, is my recollection, at the time Senator Bailey was engaged—it was that stock Senator Bailey was to recover. He did not have any litigation, no; but there was endless conferences and interviews, and plans and all that sort of thing, and finally, after about three months, culminating in the delivery to us of all that stock except \$650,000.00, and an admission from Mr. Calhoun and from the Houston Oil Company, that that stock was pledged for account of the Houston Oil Company, which gave us another liability other than Mr. Calhoun.

THE KIRBY LUMBER COMPANY IGNORES ITS TEXAS LAWYERS AND EMPLOYEES A UNITED STATES SENATOR.

The Witness Kirby: Yes, sir; of course we had counsel in Texas but this trouble in New York was handled by Senator Bailey as our counsel during the period from November, 1902, to May, 1904, representing the Kirby Lumber Company, never the Houston Oil Co.

From the treasury of the Kirby Lumber Company we paid him \$15,000 in money. Then in handling this fee we paid the balance of it by taking it away from the other fellow.

In the course of this negotiation with Calhoun, there was one particular block of stock, preferred stock of 9464 shares of the par value of a hundred dollars each, or \$946,400, which Mr. Calhoun had written up as an asset of the Kirby Lumber Company but had not delivered. We sought to have Mr. Calhoun buy back that stock he had written up just previously at \$77.50 a share, and had taken our money for in part and held an obligation against us, that is, open account obligation against us for the balance, and I sought to have him take it back at the same price. He offered to do so, provided we would take off his hands 8500 shares of the preferred stock of the lumber company which he had subscribed for and had made a partial payment. Senator Bailey, as our attorney, advised me that the Company could not invest in its own shares, and that we couldn't act upon that proposition. Then I proposed to him that we take it up. [Here's where the Senator goes into deep financial waters and is finally pulled through by his old friend Henry Clay Pierce and Messrs. Yoakum and Campbell to whom he afterwards sold the one million, six hundred thousand dollars worth of Kirby Lumber Company stock at \$75.00 per share that had no market value, according to Kirby's own testimony.]

Senator Bailey undertook to carry that deal and he succeeded with it. He sold Mr. Calhoun these 9,464 shares of Houston Oil Company preferred stock, and bought from Mr. Calhoun the 8,500 shares of Kirby Lumber Company stock. He sold this Houston Oil Com-

pany preferred stock at \$77.50 a share when the market was about \$35 or \$40 and we allowed Senator Bailey \$10.00 a share or \$94,640.

ENTER PIERCE, YOAKUM AND CAMPBELL.

He [Bailey] sold the 8,500 shares of Kirby Lumber Company stock [together with 8,100 shares additional] to B. F. Yoakum. That deal was consummated in which Mr. Yoakum, James Campbell and H. C. Pierce took an option on \$1,650,000 of preferred Kirby Lumber Company stock and I, individually, gave them a bonus of one million dollars on common in the Kirby Lumber Company that belonged to me.

James Campbell is a business associate of Mr. Yoakum and a very rich man of St. Louis and interested in San Francisco Railroad and other things. I never heard of his being in oil. He is in nearly everything else, street railroads and steam railroads—he is a very rich man.

Mr. Yoakum wanted the 10,000 shares of bonus common stock deposited with J. P. Morgan & Company, I declined to do that, but offered to leave it with Senator Bailey as trustee and that was assented to, and the stock was issued to Senator Bailey and he afterwards delivered it to them, after they had consummated their deal and paid for that one million and six hundred and fifty thousand dollars of preferred stock.

Senator Bailey was my counsel and negotiated these arrangements which resulted in the option and these parties taking the stock. I consummated that arrangement in person. [Mr. Yoakum afterwards testified and flatly contradicted this statement, saying that he dealt exclusively with Senator Bailey and not with Kirby.]

The \$1,650,000, preferred stock was all placed in the name of C. W. Hillard and it still stands in his name for the use and benefit of—well, I don't know. But the common stock was divided into three parts, one-third was placed in the name of a man named S. S. Williams, and I afterwards bought it. [He does not say which part this was nor how he bought it or paid for it. It is thought, however, that this was Pierce's part of that million dollars of common stock and just what private deal, if any, there was between Kirby, Pierce and Bailey does not appear.] One-third is in the name of James Campbell and the other one-third, I believe, is in the name of a man named Newell. [This was perhaps Mr. Yoakum's part.] A certificate for 10,000 shares I had made up and delivered to Senator Bailey was afterwards offered to the Kirby Lumber Company for transfer to these three names. Now as to who owned it, I don't know but those are the names in which it was transferred and those gentlemen may have owned it or may not have owned it—I don't know anything about that. [This illustrates the efforts to cover up the real nature of the transaction through stock jobbery and concealment. The author does not pretend to know that such was the fact in this case but it serves as an illustration nevertheless.]

The first \$600,000 payment on the \$1,650,000, par value, preferred Kirby Lumber Company stock was made in this way. Mr. Yoakum at one time gave me his check on J. P. Morgan & Company for \$200,000. Mr. Pierce assumed a note of mine—on the Company at the Mississippi Valley Trust Company, at St. Louis, for \$150,000 and then gave his check for \$50,000, and Mr. Campbell gave his check for \$200,000. When the second payment came due Mr. C. W. Hillard paid it, I think that was eight hundred and eleven thousand dollars. He represented these men.

BAILEY GETS \$40,000 MORE FROM THE KIRBY CROWD.

The Witness Kirby: A man in New York had a contract on 8,100 shares of the Kirby Lumber Company preferred stock on which he was to receive a commission of five per cent. When I saw an opportunity to sell that same stock to Mr. Yoakum, I got that man to release it and I allowed Senator Bailey that five per cent commission, amounting to forty thousand and some dollars. I gave Mr. Bailey the money that we would have given to that man if he had found a sale.

BAILEY BORROWS ANOTHER \$119,000.00.

The Witness Kirby: He [Bailey] took another note at another time for \$119,000, *and became personally liable*. That was the Houston Oil Company note; that has never been paid. [In other words the Houston Oil Company still owes Bailey \$119,000, which he advanced to the latter Company for the benefit of the Kirby Lumber Company.] I do not know whether or not H. C. Pierce endorsed Mr. Bailey's paper at Riggs National Bank, with which he raised the money to pay the Kirby Lumber Company the \$119,000; I don't know other than that he borrowed some of it or all of it at that bank.

PIERCE ENDORSES KIRBY'S NOTE FOR \$150,000.

Mr. Pierce endorsed my note on the Mississippi Valley Trust Company for \$150,000. I got the money and he paid it; that is he guaranteed my note and when it matured Mr. Pierce paid it. [This endorsement of Kirby's note by Pierce for \$150,000, was within about a month after Kirby employed Bailey and while Mr. Kirby denied that Bailey introduced them to each other yet he could not remember who did introduce them and admitted that he had known Mr. Pierce six or seven years back of February, 1907. This would have thrown the beginning of their acquaintance just about the time, or shortly after, Pierce and Bailey first began to exchange loans and influence. Perhaps Pierce put Kirby next to the "availability" of "Coal Oil Joe" to do all necessary stunts performable by a popular public man of influence.] The 10,000 shares of bonus stock amounting to one million dollars was issued to Senator Bailey, I think, about March, 1903. -

Mr. Pierce endorsed my note at the Mississippi Valley Trust Company as an accommodation to me personally. I don't remember

when I first met Mr. Pierce; about six or seven years ago. I think I knew him before Senator Bailey knew him, I am not sure. I was never associated with him. I have been in competition with him. I was president of the only Oil Company in Texas [The Southwestern Oil Company until Pierce and Bailey got a hold of it] that was giving him active competition at the time its ouster suit was gone into.

[Waters-Pierce ouster, 1900.]

Q. Would you mind telling us, as Mr. Pierce is somewhat of a central figure in this investigation, why it was that he endorsed that note for a hundred and fifty thousand dollars?

A. No. He endorsed my note because I was in distress, and he is the only millionaire I ever knew of in this country who has got any warm blood in his veins at all to try to help a fellow out of trouble. He heard my story and endorsed my note. [About a month after Kirby told the story of his troubles to Bailey.]

I met Mr. Pierce first while I was president of the Southwestern Oil Company [a competing concern to the Waters-Pierce] and I sold that Company in the summer of 1901. I believe the first business transaction I had was when he endorsed my note for \$150,000; that was in 1903. That is the first business transaction I recollect and I believe that is the only one.

I asked him to do so, and I asked him very tearfully, so to speak. I had cashed two obligations of the Houston Oil Company and Mr. Calhoun, and I had cashed them on the confidence of Mr. Calhoun, and they went to New York and were protested. They were thirty day obligations, and that was a short time after my break with Mr. Calhoun. Those two pieces of paper were very embarrassing to me, and they would have precipitated a receivership to my Company, and other serious complications for me, if I didn't raise that money, and my company was in such financial condition that it didn't have any credit, and I didn't have the money and nothing to put up, having put practically all I had in the company.

Q. That was in 1903?

A. In January, 1903.

Q. After you had employed Mr. Bailey in 1902?

A. Yes, sir.

Q. Did Mr. Bailey suggest Mr. Pierce as a —

A. No, sir; I went from home here, from Houston up to St. Louis, knowing Mr. Pierce would be there, and met him.

Q. Did you and Mr. Bailey ever discuss Mr. Pierce after, in and about those times, along about then?

A. *I suppose we have, a number of times I suppose. Oh, yes, I know, lots of times I have discussed with him the relations of Mr. Pierce, and these relations on him in Texas.*

BAILEY HAS A CONVENIENT THROAT TROUBLE.

Yes, sir; Senator Bailey was actively engaged in the employment of the Kirby Lumber Company from the latter part of November,

1902, to May, 1904, covering 1903 entirely and part of the other two years—he was very much engaged with our affairs during the winter and spring of 1903. He was in New York quite frequently for a day at a time and sometimes two days.

Q. Do you remember whether or not he was suffering with an affection of the throat at that time and *required treatment in New York?*

A. *Yes, sir.*

Q. Congress was in session, was it?

A. *I think it was.*

KIRBY PAYS BAILEY \$149,000, AND NOT THROUGH YET.

Our fee arrangements, covering these services, with Mr. Bailey *have not been closed yet.* We have had no accounting on his part and the payments that have been made him have simply been on account of fees; we have never had any definite settlement of the fees; and Senator Bailey is still one of our attorneys in this litigation down here, *though he hasn't been in attendance on court.* The Kirby Lumber Company paid him a cash fee of \$15,000. Then he received from the sale of the Houston Oil Company stock to Pat Calhoun, ninety-four thousand dollars; from the sale of the Kirby Lumber Company stock to Yoakum, forty thousand dollars.

I do not know who ultimately became the owners of the \$1,650,000 preferred stock of the Kirby Lumber Company sold, through Mr. Bailey, to Mr. Yoakum; it stands in the name of C. W. Hillard of New York. I do not know whether it belongs to the 'Frisco or Rock Island or any other Railroad Company; nor do I know who are really the owners of the million dollar bonus stock that went to Messrs. Yoakum, Campbell and Pierce. They don't hold it in trust for Mr. Bailey. I don't know who the owner is but I know who is not. [His logic seems to be at fault.]

The primary reason in my mind for paying Mr. Bailey the \$40,000 commission on the Pemberton 8,100 shares, stock that was sold to Mr. Yoakum, was that I was taking something from the other fellow and giving it to my friend, *and I would have taken all Wall street and handed it over to him, if I could have gotten my hands on it.*

[This is not only a frank admission of Mr. Kirby's loyalty but of the policy "get as get can," regardless of methods, morals or results, so prevalent among political speculators and speculating politicians of which he and Bailey are illustrious examples. Kirby, however, is more open and frank; *Bailey more secretive and deceitful.* The latter makes great pretensions to political piety but moves with noiseless and gum-shoe tread on his victims.]

We got out of the Houston Oil Company preferred stock \$67.50, for stock that was selling in the market for \$35 to \$40, so I thought in allowing him \$10.00 a share that I was not generous but merely fair. [The question arises, was it Mr. Bailey as an individual or Senator Bailey as Senator who procured so exorbitant a price for the shares of stock in question?]

Mr. Bailey assumed a personal liability to the Kirby Lumber Company for 8,500 shares of the Calhoun stock [\$850,000, par value] and if that should have proved a failure he would have lost it almost. Of course, he would have had the stock which would have been a doubtful asset if these negotiations with Yoakum, Campbell and Pierce had fallen through.

BAILEY SELLS KIRBY LUMBER COMPANY STOCK AT EXORBITANT PRICES
TO RAILROAD MAGNATES.

There was sold to Yoakum, Campbell and Pierce of the Kirby Lumber Company preferred stock \$1,650,000, par value, for which they paid \$75.00 a share. I *unloaded* the Kirby Lumber Company 8,500 shares on Yoakum, Campbell and Pierce but the negotiations was with Mr. Yoakum. [Yoakum swore that he dealt only with Bailey in accepting this "load."] If the Yoakum deal had fallen through Senator Bailey would have found himself a subscriber for 8,500 shares of Kirby Lumber Company stock of doubtful value and not much in his pocket with which to pay for it. *At that time it did not have any market value; it would not hardly sell. It was not being dealt in at that time in the market at all.*

Yes, sir; Senator Bailey upon his own responsibility became the owner, by purchase, of 8,500 shares [\$850,000] of the Kirby Lumber Company stock which had no market value and if Yoakum and those who represented him had not taken it he would have been left with that amount of stock on hand *which had no market value.*

BAILEY BORROWS \$156,000, WITH PIERCE'S ENDORSEMENT.

The witness Kirby: I know in part how Mr. Bailey paid for the 8,500 shares of the Kirby Lumber Company stock bought from Mr. Calhoun and afterwards sold to Yoakum and associates. He paid an item of \$110,000 to Calhoun and then there was another item of \$150,000 or \$156,000 through Ladenburg, Thalman & Company. He borrowed some additional securities from me and after this option contract was entered into, he got Mr. Pierce to endorse his note for \$156,000, is my recollection. I could not tell all the details as to whether or not Senator Bailey paid for this stock before the Yoakum option matured or not. *Mr. Yoakum and his associates did take that stock at \$75.00 per share; there was no market value for it at that time.*

The \$156,000 which Mr. Bailey borrowed with Mr. Pierce's endorsement in 1903 to aid in the purchase from Calhoun of the 8,500 stock was entirely separate transaction from the \$153,000 loan which Mr. Bailey negotiated later, at the Riggs National Bank in Washington *for the purpose of purchasing the Southwestern Oil Company.*

I don't think Mr. Yoakum has any connection with the Rockefeller interests. He may have had, but I think not; I have not been in New York in three years. The time I was there he was *not even back door acquaintance at 26 Broadway.* [How did Kirby know who the

"back door" acquaintances at 26 Broadway were at that time. He must have gotten his que with references to "back door" acquaintances at 26 Broadway from Coal Oil Joe.]

Mr. Yoakum, James Campbell and Mr. Pierce owned and controlled the 'Frisco Railroad, and I understood it, and after making this deal with me, they sold the 'Frisco Railroad to the Rock Island.

Mr. Hillard was controller of the 'Frisco Railroad at one time. I think it was at that time. I have an idea that the preferred stock of the Kirby Lumber Company, bought by Yoakum, Campbell and Pierce and standing in the name of Hillard belongs to the 'Frisco Railroad.

I don't know anything about the investigations recently started by Congress with reference to the alleged lumber trust except what I read in the newspapers.

It is true that our account with Senator Bailey has been running five to six years and never closed.

I know young Bayne who is connected with the Security Oil Co. He called on me one day in Houston to get some right of way for a pipe line. I don't know his official connection with the Security Oil Company, nor do I know whether or not he is the son of S. G. Bayne. [The Standard Oil man of New York who paid Bailey \$5,000 to write the charter for the Security Oil Company.]

Senator Bailey was frequently in New York in January, February, April and May, 1903. [The Congressional record shows that Mr. Bailey did not answer to roll call from the middle of January to the last days of February, 1903. During that time he was doubtless living in the atmosphere of "high finance" and perhaps that accounts for the alleged "sore throat" with which he suffered that winter, and *which could not be treated in Washington but required a New York specialist*. Perhaps Kirby and Pierce administered *cough syrup* at the Waldorf-Astoria.]

KIRBY TALKS OF SOUTHWESTERN OIL COMPANY.

The witness Kirby (pages 429-435): The Houston Oil Company bought the Southwestern Oil Company from Frank Bonner. I was president of the Southwestern Oil Company at the time the purchase was made. The Southwestern Oil Company had laid a foundation for a little refinery at Houston. After the Houston Oil Company took it over, it completed that refinery, but it carried the advances that it had made to the Southwestern Oil Company for the purpose of constructing that refinery on its books as a loan or as an advance to a separate entity, so that there arose an indebtedness from the Southwestern Oil Company to the Houston Oil Company of something like \$153,000. The Houston Oil Company was also indebted to the Kirby Lumber Company, and Senator Bailey was trying to help me get it. Senator Bailey thought he could realize on the note of the Southwestern Oil Company, because it was a going concern and a prosperous concern, so it was suggested that the Houston Oil Company close that

account by note, that is, it should cause the Southwestern Oil Company to give its note to the Houston Oil Company for this sum of \$153,000, and that it should turn that over to the Kirby Lumber Company as part payment on the amount that the Houston Oil Company owed the Kirby Lumber Company. That was assented to and Senator Bailey took that note and raised the money on it and paid the Kirby Lumber Company to that extent. I do not know where he got the money but I understand he got it at the Riggs National Bank in Washington City. [The witness J. D. Johnson testified that Pierce went Bailey's security at the Riggs National Bank for this money. There was evidently two purposes in view, first to make the collection for the Kirby Lumber Company as against the Houston Oil Company and second to eliminate the Southwestern Oil Company as a competitor of Pierce in the oil business in Texas.]

Well, he [Bailey] took the note, with all the stock of the Southwestern Oil Company as collateral, requiring the Houston Oil Company to pledge that stock so that in the event anything happened to the Houston Oil Company, as it appears that at that time could happen and afterwards did happen, that the Southwestern Oil Company would [not] be involved. Afterwards the note became due, or perhaps the note wasn't due, but the Houston Oil Company went into the hands of receivers, and he sold out the stock under, as he had a right to do, under his mortgage note, and became owner of the Southwestern Oil Company stock. Under the sale of this stock Senator Bailey was entitled to control the Southwestern Oil Company and he took possession of it through Andrews, Ball & Streetman, at Houston, and operated it there for some time. The Southwestern Oil Company was reputed to be worth one-half million dollars and that was its only liability. He was acting for himself when he bought that note, when he took that liability over, but in acting for himself he was performing a kindly act, and generous one. [For his friend Pierce as well as Kirby, doubtless, but for the people of Texas it meant another chain of commercial slavery to the Standard Oil Company crowd by eliminating the only active competitor at that time the Waters-Pierce Oil Company had.]

Ed Taliaferro was manager for part of the time and I think all the time that Senator Bailey controlled the stock of the Southwestern Oil Company. I think Ed Taliaferro had been formerly with the Waters-Pierce Oil Company. Well, Taliaferro was nominally manager but Frank Andrews was controlling the business; he was the power behind the throne. His firm foreclosed the note for Bailey. [Thus we find not only a United States Senator from Texas hand in glove with the Oil Trust but an ex-State Chairman of the Democratic party in practically the same boat, for Kirby was president of the Southwestern Oil Company and then Frank Andrews, State Chairman, appears on the scene as "*the power behind the throne.*" It may be remarked incidently that both of them remained partisans of Coal Oil Joe who says, "If you destroy me you destroy the Demo-

cratic party." May the Lord of battles then pity the grand old party!]

I do not know who are the owners of the Houston Oil Company at this time, *it is a new set of people*. I do not know whether that ownership is based on the Waters-Pierce Oil Company or the Standard Oil Company or not.

KIRBY SAYS SOUTHWESTERN WAS PIERCE'S ONLY COMPETITOR.

(Committee Report 439.)

The Witness Kirby: I was the president of the only oil Company in Texas [Southwestern Oil Company] that was giving him [Pierce] active competition at the time its ouster suit was went into. [The same ouster suit that Bailey helped Pierce circumvent.]

The Houston Oil Company bought the Southwestern Oil Company [originally] for a consideration of \$250,000, and they had expended this hundred and fifty thousand dollars in improving it. [It was for the latter sum, interest and trimmings, that Pierce and Bailey bought it in and after operating it for a year, (*killing it as a competitor of Waters-Pierce Oil Company*), sold it to one John Shepley of St. Louis, who held some sort of an indistinct connection with the Houston Oil Company after it passed into the hands of "the new people."]

The Southwestern Oil Company, in which I was president and a stock director, was sold to the Houston Oil Company the latter part of 1901, I think. Afterwards all the stock holdings of the Southwestern became stock belongings of the Houston Oil Company because they sold their stock. They got \$250,000 of preferred and \$250,000 of common, the valuation placed on the property. In fact, after the sale the owners of the Houston Oil Company were the owners of the Southwestern Oil Company. I met Mr. Pierce first, while I was president of the Southwestern Oil Company [a competing concern], and I sold that Company in the summer of 1901, so it must have been at least five years ago, it may have been six or seven years ago. [From February 1, 1907.]

The Southwestern Oil Company as I understand it, *is a dead one*. [Bailey, Pierce and Kirby killed it for the benefit of the Waters-Pierce, alias Standard Oil.]

BAILEY AND KIRBY SWAP LOANS FOR \$25,000 THROUGH A BOSTON CRANBERRY MERCHANT.

Examined by Mr. Cocke, (page 436) :

[At this point Mr. Cocke dug up a batch of papers from his grip, from a Ft. Worth banker, showing that J. W. Bailey had drawn a draft on John H. Kirby, July 31, 1906, for the sum of \$25,000. Not only did Mr. Cocke have a letter from the bank to that effect but had leaflets from the bank's books, torn out and sent him by the bank in

order to avoid being required to have the president of the bank testify.]

Q. Mr. Kirby, will you kindly refresh your memory as best you can and say positively that Mr. Bailey did not draw on you for twenty-five thousand dollars on the thirty-first day of July?

Mr. Odell: If the interrogator is examining this witness from a letter, we would like to have the letter. We can't understand that can be done without letting the counsel have the benefit of it.

The Chairman: I think it would be fair to show it to the witness.

Mr. Cocke: I haven't offered anything—I think *I have the right to retain my private data for my own information.*

A. I think he did, since I come to refresh my mind.

Q. Well?

A. Yes, sir; I borrowed of George Smalley, 54 Devonshire Street, Boston, twenty-five thousand dollars for Senator Bailey, and I think he drew on me for the money, and it was probably about June or July of this year, probably so.

Q. Who is this man in Boston?

A. George N. Smalley—he is a friend of mine.

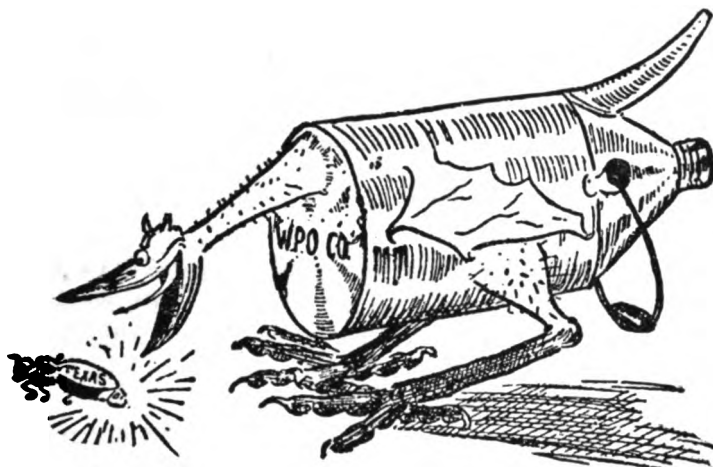
Q. Is he a friend of Mr. Pierce's also?

A. He is a cranberry merchant; that is, he has got a cranberry bog down on the coast of Massachusetts there near Pautucket, *and he has got a lot of pine land.*

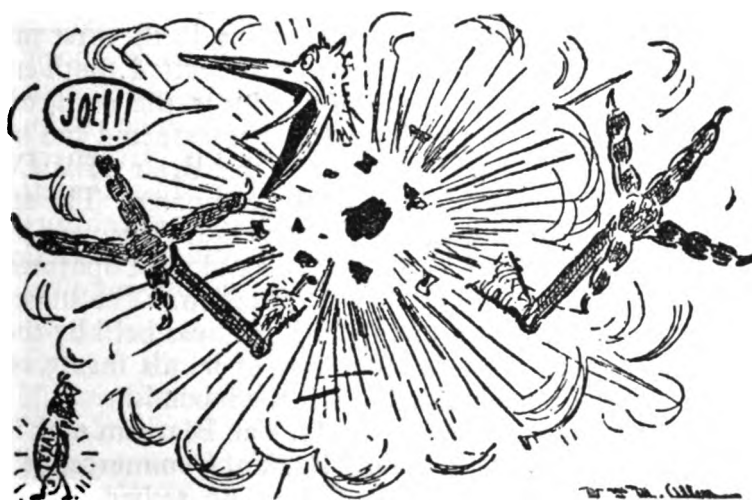
Q. Well, then, as a matter of fact, you did not draw on Mr. Bailey at all last summer for this twenty-five thousand dollars; is that the proposition?

A. Well, I got twenty-five from Washington on bank stock. [He had just testified that he had gotten this \$25,000 from a Washington bank on Senator Bailey's endorsement, not "on bank stock." Mr. Kirby is a very clear headed, ready fellow but he had said that Mr. Bailey had drawn on him for "not a cent;" then when he saw that Mr. Cocke had the papers on him he remembered the "Cranberry merchant and his cranberry bog down on the coast of Massachusetts," but finally wound up in confusion. No opportunity was ever afforded the complainant to examine Mr. Bailey on this interesting transaction and the reader is left to draw his own inferences or indulge his own imagination.]

BEFORE AND AFTER TAKING.



Before Taking, 1900.



After Taking, 1907. The Texas Fire-fly.

CHAPTER XXIII.

**SENATOR BAILEY AS AN EXPERT DEALER IN
RAILROADS.**

JOHNSON TESTIFIES ABOUT MR. BAILEY AND THE TENNESSEE CENTRAL
RAILWAY CO.

(Pages 131-140.)

The witness, J. D. Johnson:

Mr. Bailey's employment in this matter was prior to the incident at 26 Broadway and at 25 Broad Street in 1905. Mr. Bailey was employed by the Tennessee Construction Company or rather by the three individuals who owned the stock of that company—Mr. Pierce, Mr. Van Blarcom and Mr. Thompson.

I made a mistake yesterday in saying that I had not seen Senator Bailey probably prior to 1905. I saw Senator Bailey once in a while, prior to that time, and subsequent to that date I saw Mr. Bailey a few times in St. Louis. [Bailey always "missed his train" there.] I do not recall the dates or the number of times. I did not see him as often prior to 1905 as I did afterwards. I generally saw him in my office in St. Louis. It is in the same building as the offices of the Waters-Pierce Oil Company.

The Tennessee Construction Company was organized by a St. Louis syndicate for the purpose of constructing in the first instance, and afterwards of consolidating the road now called the Tennessee Railroad Company. It took over the Crawfordsville road, together with a very large tract of mineral land. It transferred the mineral land. It organized the corporation called the Briar Hill Colliers, and transferred all the mineral land to the company. The stock of the Briar Hill Colliers vested in the Construction Company. There were mines opened on the Briar Hill Colliers and were operated more or less extensively and actively by that corporation. The stock of the Tennessee Central Railway Company, as I say, was held by the Construction Company, too, and also the issue of bonds that was made through the Construction Company—railroad bonds.

At a certain stage of the enterprise Mr. Van Blarcom took hold of it. He now is president of the National Bank of Commerce, St. Louis. It, up to that time, had proved to be a failure, or, rather, the prospect was it would be a losing venture. Mr. Pierce and Mr. Thompson and Mr. Van Blarcom, as I recollect, had comparatively a very small interest in it at that time. Mr. Van Blarcom took hold of it, and he and Mr. Thompson and Mr. Pierce agreed to finance and carry it, if possible, to a successful issue. Mr. Van Blarcom managed the finances altogether, Mr. Thompson and Mr. Pierce leaving them in his hands.

They put up securities and they put up money, as was called for by Mr. Van Blarcom. Mr. Van Blarcom himself put up his own securities and his own money. A great deal of money was borrowed by Mr. Van Blarcom from St. Louis institutions, and the collaterals of the three were given. They were carried along for a great length of time, and an effort had been made to sell the property, and it had failed, and the gentlemen stood to lose a great deal of money. Mr. Van Blarcom had gotten tired of the management of the property. It had a bad future to it, and they had too much money invested to let it go by default.

At that juncture it was proposed that Mr. Bailey take charge of the property, with the view of straightening out its finances *and disposing of it*. That involved great labor, the details of the different corporations and the arranging for the taking up of the issue of the railroad bonds which really represented the value of the property when it went to a sale—in other words, the sale of those bonds would carry with it, practically, the railway property. Those bonds were pledged and held by different institutions, and to devise a definite and satisfactory plan, it became necessary for one to take hold and familiarize himself with all the transactions and get them in shape so as to control the bonds, or put them in a position where the bonds could be sold out. Mr. Bailey took hold of the property. I know that to some extent, from personal knowledge, because I was present at conferences and aided some in some of the details, and he worked it out to a very satisfactory conclusion. *A sale was effected which seemed to be satisfactory to all parties concerned.* [The real reason for employing Mr. Bailey in this matter was this: The promoters had failed, repeatedly failed, in their efforts to unload these properties, as also had the St. Louis Union Trust Company, which had at one time undertook to sell the Railroad. Doubtless they needed a United States Senator, *as a sales agent, who could include some political influence in the trade, just as United States Senator Bailey, because of his senatorship was able to sell \$1,600,000. worth of the Kirby Lumber Company stock to the Railroad interests* when, as a matter of fact, the said stock, according to Kirby's own testimony, *was without market value.* Pierce knew of the Kirby Lumber Company deal and doubtless thought Bailey could sell the Railroad stock as well. He did sell the Tennessee Central Railway properties or rather contracted to sell them, to the Illinois Central to the West and to the Southern Railway to the East of Nashville. That option to sell expires in July 1908. Bailey's commission on the deal, the amount of which he refused to tell the Committee at Austin, saying that "it was no business of the people of Texas," evidently has been and is now dependent upon Harriman and the balance of the Railroad magnates interested. In other words, if Harriman says "yes," Bailey will make a very large sum of money; if Harriman says "no," Bailey will not make it. Thus is Senator Bailey at the beck and call of the Railway interests of the country for hundreds of thousands of dollars, while the people are paying him \$7,500 a year to represent them.]

BAILEY SELLS A RAILROAD.

Gruet informed the proponent of the charges that the St. Louis Union Trust Company had endeavored for some time to sell the Tennessee Central Railroad Company and at the time Bailey was employed to do as a Senator what the Trust Company had failed to do as an industrial agency. This Trust Company had a written contract authorizing it to sell the Railroad properties and that Bailey's name was simply substituted in that contract for the name of the Trust Company.

While on the stump receiving his splendid coat of whitewash from the Baileyachers of the Committee of 1907, Bailey had the following to say concerning his connection with those properties (pp. 874-875.)

The witness Bailey—I was really employed in December, 1904, but I did not take the matter up actively until Congress adjourned in March, 1905. [Note how he avoids every inference that he was neglecting his public duties.]

EMPLOYED BY PIERCE.

Q. Who solicited your service for that company?

A. Mr. Pierce.

Q. Where were you at the time?

A. I was in Washington and he telegraphed me to come over to New York. I went over there and he laid this Tennessee matter before me and wanted me to take charge of it. * * * He then asked me if I would be willing to take charge of it after Congress adjourned, if it could wait that long. I told him I would be very glad to do so. I told him, however, as it was a matter in which others were interested, I would not want to take charge of it unless it was entirely acceptable or agreeable to all parties interested, and he sent for Mr. Van Blarcom. Mr. Van Blarcom came to New York and I went back over there. I remember I went there one evening when Congress was——

I would go over Friday night and spend Saturday there and return to Washington in time for the session of Congress Monday, and I remember on this occasion that I suggested that Mr. Van Blarcom be there on Saturday and I went over when he came, and went over the matter with him and Mr. Pierce and it was entirely agreeable for him, to him for me to look after it, and I took it up. They sent me the papers or a good many of the papers then, or shortly after that time, and at my leisure during a month or two I would take up these papers and go over them, and I was pretty well familiarized with the conditions when Congress adjourned, and immediately upon its adjournment I entered actively upon the matter.

Well, the three men who owned the entire stock of the Tennessee Construction Company were Mr. Pierce, Mr. Van Blarcom and Mr. H. C. Thompson. * * * Mr. Thompson was president of the

Bank of Commerce in St. Louis and Mr. Van Blarcom was vice president of it.

The Tennessee Construction Company owned the stock of the Briar Hill Collieries. That was a coal Company organized and operating up in East Tennessee, I think in Fentress county, but anyway along the line of this East Tennessee Railroad. [The coal of this Company was subject to the tariff rates of Congress as were also the mail contracts with the Tennessee Railroad Company. Bailey has boasted that he would not own stock in a National Bank under control of Congress. Why, then, should he have a contingent interest in the sale of the Railroad property so large as to cause him to say, "I don't think it is anybody's business."] * * *

Well, when I was originally called into the case, the Tennessee Central Railroad had not paid the interest on its bonds. Mr. Van Blarcom had organized the company, and he himself raised the money to relieve it from those debts upon which it was put in the hands of a receiver. It went along then—I think possibly the road had not been completed at that time—that, however, was before my connection with it, and it progressed along. The Tennessee Construction Company owed large sums of money to the banks and other financial institutions in St. Louis, some little in Nashville, some in Chicago, and the Tennessee Railroad owed some floating debts; and in Tennessee they could put a property into the hands of a receiver without having to establish a lien against the property, and there was a serious apprehension that on some of these floating debts application would be made by which the railroad would again be put into the hands of a receiver. I was employed to go and see what about those debts, the validity of them, so far as I could ascertain that, and also to advise whether or not the Tennessee Construction Company should attempt to foreclose its lien under the bonds. I went to Nashville, had the books expeted as I thought, I went over the railroad, examined it to see what its physical condition was. *I wanted to see the country through which it ran, I wanted to see how well it had been built, I wanted to see its rolling stocks; I wanted to see its terminals, its depots—all that, you understand, was necessary before any man could decide whether there ought to be a foreclosure or not.* [Why should they employ a United States Senator to make an expert report on the physical properties of the Railroad and the value thereof?] I examined it carefully; went in a car with the president of the railroad over the whole length of the line, saw every foot of it, *and saw its bridges and its trestles and its roadbed.* I saw its connection, both with the Illinois Central at Hopkinsville, Kentucky. I went back to New York and reported to Mr. Van Blarcom that if they foreclosed on the road and bought it, they would never be able to sucessfully operate it; that it ran east into the jaws of the Southern Railroad, and ran west, a little northwest, into the jaws of the Illinois Central, and that in the nature of things, those roads would determine whether it could live and earn its way or not, and

that it seemed to me that the only sensible thing for them to do was for the Tennessee Construction Company to sell its stocks and bonds to the Southern Railroad and to the Illinois Central Railroad. [Of course, it took a United States Senator to tell these money masters what to do with their property.] That both of those systems ought to go into the city of Nashville; that the people of Nashville were exceedingly anxious that they should come; that Nashville was the only city of its size in America having but one system of railroad. You understand they had two lines, the Louisville & Nashville, and the Nashville, Louisville & Chattanooga, but the Louisville & Nashville owned both lines, and that I thought the city of Nashville would as a stockholder in this road, and it had subscribed to a million dollars of the stock, would be glad to see the trade made. Well, I didn't know when I tendered that advice that they had ever had the matter under contemplation, that is, the matter of a sale. I found, then, that they had, and that maybe negotiations had been conducted for several months, *but had failed*. [That is the reason, of course, that they needed a United States Senator *with personal and political influence*, especially the latter, *to do what they had failed to do*.] That was really the end of my, of the purpose for which I was originally employed, and then when I recommended this sale, *they wanted me to sell it*, and I told them that wasn't my business, *nor that the part of a lawyer's business*; that men with knowledge of railroads and the values of railroads ought to do that, but Mr. Van Blarcom and Mr. Pierce both insisted that I should see what I could do about it, *and I did, and sold it*. [If "that was not his business nor the *part of a lawyer's business*," but rather the business of "a man with a knowledge of Railroads and values of Railroads," why, then, did Mr. Bailey undertake to sell the railroad property? Answer: "Mr. Van Blarcom and Mr. Pierce both insisted that I should see what I could do about it, I did, and I sold it."]

Q. Well, about when was this sale consummated?

A. Well, I think the contract was dated, I think it was made on the 27th of July—I think probably it being made in the middle of the month the papers were drawn as the 1st day of July. I drew the papers.

Q. Well, the Briar Hill Collieries property, what became of that?

A. That still belongs to the Tennessee Construction Co.

Q. Well, now, these new purchasers of the Tennessee Railroad Company, did they commence its operation immediately after its purchase?

A. Yes, sir: yes, sir. As soon as the papers were signed the property was turned over to them and they began its operation.

Q. Was there ever at any time any purpose of concealment on your part of the fact that you were attorney for these properties; that is, for the Tennessee Construction Company?

A. Absolutely none. I am not in the habit of discussing my

clients' business with even my friends, but that I was there everybody could know, and that I was there on that question, everybody could know, and I took a train and went over it, stopped at every station, rode out where I could see every foot of the railroad; I stopped where ever I wanted them to stop; I remember once I stopped and examined a bridge. [*What did he know about a bridge or "how soon it might be necessary to replace the wooden trestles?"*] And I also remember I wanted to see how soon it might be necessary to replace the wooden trestles and I had them stop there, and there was hardly any part of the road that they did not stop on; whenever I was away, I was in New York, the papers were there—we did not, of course advertise our business—but the papers in there, in that city, stated that some transaction was being had about it, that I was there representing the owners of it.

The Witness Bailey (continuing page 946) :

Q. Whom did you negotiate with as representing the Southern Railway interest?

A. I negotiated with the late Samuel Spencer, who was the president of the Southern Railroad.

Q. What railroad is that?

A. That is the railroad that runs from Washington to the South-western States. Mr. Fish represented the Illinois Central. * * *

Q. You say your relation with the Tennessee Construction Company has not terminated yet?

A. No, sir; because under this contract these people purchased upon a condition and they still have some time in which they could declare the trade off.

Q. The option?

A. Yes, sir. If they did declare it off, it would fall back on our hands. It is proper to say in that connection that I have also looked after the personal interest of H. C. Pierce in that matter and I have taken care of the personal interest of Van Blarcom. They are personally interested, their personal interest, in addition to the Thompson estate, consists in the fact that they were at one time the endorsers on a very large amount of paper. I have from time to time reduced that endorsement. Whenever I could get their names off of the paper by renewal and substitutions, I have done it. * * *

Q. Were you acting as attorney on a salary, or were you acting simply for what you might make out of it on commission?

A. Well, I was originally called into it, Judge, without any idea of selling it, and while it is a private matter, I will detail that. I was originally called in, as I related here yesterday, with the idea of taking care of it so far as I could as an attorney. [That is by riding over and examining the *physical properties* of the road with the president thereof.] After I had advised the sale of it, they told me they had been trying to sell it, and they finally told me that a St. Louis trust company had had the power, or had had a contract with it to sell it, and they proposed to give me the same contract,

and they did. They drew that same contract, substituting my name for the St. Louis financial institution, and—I probably put this in there—when I sold it, I cut the fee half in two. I was entitled to double as much as I took. I did not think I had earned it all, and I declined to take it all.

Q. Senator, would you consider that it was proper to state what your fee was in the Central, in the Tennessee Railroad matter?

A. *I don't think that is anybody's business.* [If he was ashamed to tell the people of Texas the amount of one-half of that commission, what must we conclude as to the whole amount of the commission he would probably have received had he taken the same compensation as had been promised the Trust Company? It is said that the latter sum was \$3,500,000—this would make Bailey's part \$1,750,000. Pierce testified that he turned over to Bailey \$13,000,000 worth of securities].

"A VERY DELICATE SITUATION."

The Witness Bailey, (continuing) :

Q. That is selling the properties and redeeming the securities.

A. Not only that, even if I succeeded in selling the property, they had a very delicate situation. They owed this money. This money was past due, something over three million dollars, and it wasn't easy to secure an extension of that kind unless the railroad could make a better showing than it had made. It had not been able to pay any interest on its bonds, and had not really been able to equip itself and was operating, not at an actual loss comparing the operating expense with the income of it, but still not leaving enough to make necessary improvements on it, and men who have bonds of a railroad like that as collateral are not much disposed to extend it, and particularly when they had as they did have in most cases, the name of H. C. Pierce and the name of J. C. Van Blarcom on their notes. Mr. Pierce and Mr. Van Blarcom were endorsers or guarantors on something more than three million dollars of that paper, and in addition to representing the Tennessee Construction Company I represented them so far as I could; and there was no inconsistency in their interest or between their interests and the interests of the Tennessee Construction Company, because they owned the Tennessee Construction Company in connection with Mr. Thompson. * * *

Q. As I understand it, Senator, you have not finally terminated your attorneyship for the Tennessee Construction Company up to this time?

A. I have not. There are some matters requiring my attention right now, and I ought to be looking after them. [He seemed more anxious about "looking after" those Railway properties than he did about the fact that Congress was then in session and had been from December 3, 1906 to February 21, 1907, (the date he was testifying) and he barely reached Washington on March 4, 1907, the last day of

the session, but in ample time to collect his mileage of seven or eight hundred dollars and salary for the session, although he had boasted, enroute to Texas via St. Louis the last of November, 1906, that it would take him just forty-eight hours to attend to Davidson and drive the balance of "my enemies" into the Gulf].

BAILEY AS A RAILROAD EXPERT.

Q. Well, now, then; your service for the Tennessee Construction Company was in brief: At first you went down there and looked over the property and came back and made the report; isn't that about it?

A. Well, no; at first I went pretty thoroughly through the papers. I did that in the winter of 1904 or 1905, and was pretty familiar with the items of costs and indebtedness, so far as they were exhibited by the books, and then after Congress adjourned, I went down there and looked over the property. * * *

Q. Well, what you did then was to look over the physical property of the country, then, the first time, was it?

A. Yes, sir; I did that as preliminary to advising them whether to foreclose the lien of the mortgage, I mean of the bond.

In other words, if the property, if I had found the property a completed property in the sense that all the bridges were iron and all of the roadbeds had been well surfaced, and was still intact, and I had found the roadbed a wide one, receiving the ties safely and thoroughly everywhere, if I had found the depots all completed; if I had found the rolling stock all in good shape; then I would state to these people, "There is value enough here for you to realize your debts, and you had just as well foreclose unless they will pay," because with this kind of property somebody will buy it.

Q. Now, *what experience had you had as to the value of railroads and railway property*, dependent upon the physical condition of the property and its location and connections with other railroads and all other things that might enter into it?

A. *No experience at all which would qualify me as an expert.* I had, however, the common sense to know when a railroad was well built and whether the bridges were iron or to know whether the railroad bed had been built wide enough to receive the ties. You go to a cheaply built railroad, and very frequently you will find the ties extending over the roadbed. That is always dangerous, and that roadbed must be rebuilt, in a measure, and I had sense enough also to know if the railroad ran through a good country it was a better piece of property than if it ran through a bad country, and I had knowledge enough to qualify me to give a judgment and men who had millions of dollars interest in it were willing to act upon that judgment. [Of course the owners of this property put their money into it originally without having this commonplace information].

Q. Well, is that, the possession of that common sense and ability to see things, possessed in common by a great number of people?

A. Well, *it would not be modest* for me to say that I possess it in a higher degree than other people.

Q. Well, what about the owners of this railroad, this stock, Mr. Pierce and Mr. ———, who are the other men?

A. Mr. Van Blarcom and Mr. Thompson.

Q. What about their ability?

A. Well, they are men of rare business ability, but Mr. Thompson *was standing on the verge of the grave*—he couldn't look after it—Mr. Van Blarcom was charged with looking after the interests of the greatest bank in the Southwest, that is the Bank of Commerce in St. Louis; Mr. Thompson, who was president, was sick and absent, and Van Blarcom, who was vice president, had to discharge his duty. Mr. Pierce is a man with a multitude of things and he didn't have time to look after this. Mr. Pierce, at that time, was up to his ears in other matters, particularly the Mexican Central Railroad matters, that was of very much more importance than this, and they had to have somebody.

Q. Well, don't these men have in their employ men who not only, *in addition to their common sense ability*, but the are experienced to report on such matters as that?

A. Neither one of them had any such man as that. [Then why should they apply to a United States Senator without railroad experience to *pass upon the physical property and values thereof?*]

BAILEY DEALS WITH MORGAN AND HARRIMAN RAILWAY INTERESTS.

The Witness Bailey, (on cross-examination page 972) :

Q. Well, now, what effort had been made, you say some St. Louis concern had tried to secure some deal to sell the property?

A. Yes, sir.

Q. What was that concern?

A. The St. Louis Trust Company.

Q. They had not been able to sell it?

A. They had not sold it. * * *

I sold the whole, and then they divided it in the operation and have an agreement among themselves to divide it at the expiration of that contract, that the Southern will take the end of it from Nashville east to Harriman Junction, and the Illinois Central will take the end of it from Nashville west, and a little northwest, to Hopkinsville, Kentucky. I would not have divided it. Suppose they had not exercised their option. I would not have allowed one to have taken one part of it and another take another part. They had to take it as a whole, and when they have it then they can divide it as they please.

Q. That is the way you understand they are to divide it?

A. Yes, sir; that is perfectly understood.

Q. Mr. Spencer, you say, was the president of the Southern?

A. Yes, sir.

Q. What particular financial interests did he represent?

A. I don't know, but I always understood it was J. P. Morgan.

Q. And what interest dominates the Central, the Illinois Central?

A. Well, at that time Mr. Fish dominated it. Mr. Fish has since been superseded. *It is said that Harriman controls it, and it is said that Harriman is affiliated with the Standard Oil Company.* If it was the Standard Oil Company, if that be true, if Harriman is affiliated with the Standard Oil Company interests, then it is true that the Standard Oil Company superseded the man with whom I dealt * * *. The Standard Oil People never owned any interest with Mr. Yoakum.

Q. Well, Mr. Pierce was interested with Mr. Yoakum, was he not?

A. Oh, yes, sir.

Q. And Mr. Pierce is said to be interested in the Standard Oil Company?

A. No, sir; he is not believed to be. Mr. Pierce swears he never owned a share of Standard Oil Company stock in his life.

Q. *Well, the Standard Oil Company is said to be interested in Mr. Pierce?*

A. Well, if the Standard Oil Company would come and buy stock in a bank down there, that would be the interest of the Standard Oil Company in the bank, but the bank would not be interested in the Standard Oil Company. [But the Standard Oil Company did own and control the majority of the stock of the Waters-Pierce Oil Company and has, in fact, since 1882. Bailey's labored effort to thus shield himself and Pierce by a falacious argument is just another one of his miserable subterfuges].

The Witness Bailey, (on cross-examination page 986) :

Q. When does the option on the stocks and bonds of the Tennessee Construction Company expire?

A. *Well, I really do not think that is any of the committee's business*, but I suppose, as it has been testified to, the parties in interest would have no objection to my saying it expires next July a year. (1908). They had three years from the time the contract was made. [In other words, Bailey's commission on this deal has depended for three years, and still is depending, on the beck and call of Morgan and Harriman].

GRUET SR., ON THE TENNESSEE CENTRAL RAILWAY COMPANY TRANSACTION.

(J. P. Gruet, Sr., testimony, Bailey Investigation Committee Report, 209-210) :

After I left the Waters-Pierce Oil Company, but while I was still working for Mr. Pierce, I went down to Nashville and met Senator Bailey there. The Tennessee Railroad ran from Harriman over in the east end to Hopkinsville, up in Kentucky. Harriman, I think, is in West Virginia. I met Mr. Bailey in Nashville on the 5th of July and saw him again sometime in August.

I do not know what service Senator Bailey was to render the Construction Company except what Mr. Pierce told me.

BAILEY SELLS THE RAILROAD AND DEPENDS ON RAILROAD INTERESTS FOR HIS FEE.

Senator Bailey made a contract with the Illinois Central and the Southern Railroad to take the properties on certain conditions and they are operating them now under that contract. I think for three years they were to operate them at a small payment and at the end of that time elect whether they would complete the purchase or not. [Mr. Bailey refused to tell the 1907 Investigation Committee what his fee in this matter was to be, saying that "it was no body's business."]

I have met Mr. Bailey in Mr. Pierce's office in New York. I have seen him a number of times in St. Louis at Mr. Pierce's office and in my office when I had this office for the Pierce Investment Trust Company.

BAILEY COLLECTS INTEREST COUPON ON RAILROAD BOND.

R. D. Johnson, (Bailey Investigation Committee Report, 1907, pages 355-358) testified:

Residence—Corsicana, Texas; occupation—merchant. I resided at Fort Worth, Texas, in the year 1905 and occupied the position of bookkeeper in the Western National Bank. Sometimes when they got crowded I helped with the collections. While so employed in 1905, there passed under my observation an interest coupon of the Tennessee Central Railroad, *bearing the endorsement of J. W. Bailey*. It was for several thousand dollars. I think the collection came from Gainesville. It was to be collected for J. W. Bailey, I guess. It had his endorsement. It had "Tennessee Railroad" on it, and "J. W. Bailey." I remember that it said that this was an interest coupon, interest being payable quarterly on bonds of the Tennessee Central Railroad. It had J. W. Bailey's endorsement on it. That was in January or February, 1905. I have seen Mr. Bailey's signature pretty often on checks.

Yes, sir, it showed the amount of the bond. I remember it said the amount of the bond—a pretty large figure. The reason it impressed itself on my mind was that it had the name of the Tennessee Central Railroad and J. W. Bailey on it, and having been connected was the reason I remembered it. There was no other endorsement on it except that of J. W. Bailey. *It was signed by him individually, not as manager, nor as president or attorney.*

NASHVILLE AMERICAN ON BAILEY'S CONNECTION WITH TENNESSEE CENTRAL.

The following editorial comment by the Nashville American, the leading daily of Nashville, Tennessee, gives an idea of the view of Nashville people concerning Bailey's part in the manipulation of one of their railroad properties:

BAILEY AND THE SUBSIDY.

The press dispatches state that in his testimony before the Investigating Committee of the House and Senate at Austin, Wednesday, Senator Bailey went into detail regarding his attorneyship for the Tennessee Construction Company.

The Tennessee Construction Company was a corporation organized under the laws of Missouri. It was this construction company which agreed to build and equip the Tennessee Central, and turn it over free and clear of all incumbrances, for which it was to receive all the stock and bonds of the Tennessee Central, except the stock reserved for Nashville, Clarksville and Cheatham County. But when the construction company failed to carry out its agreement, and the road was placed in the hands of a receiver, the promoters of the road, notwithstanding the construction company had violated its agreement, proceeded to have \$4,200,000 worth of more bonds issued and turned over to the construction company. All this peculiar and unusual method of transacting business by rewarding the construction company for violating its agreement in giving it \$4,200,000 worth of additional bonds, instead of insisting upon the performance of its contract, can be explained upon no other hypothesis than that the promoters either gladly acquiesced in or brought about the receivership in order to justify the claim that more bonds were necessary.

The American has always said that the mortgage on the road would be foreclosed and the road sold as soon as the promoters sucked all the blood out of it they could, and our insistence is shown to be correct by Senator Bailey's testimony, wherein he says: "I went back to Mr. Pierce and others interested and told them that it would not be advisable to foreclose on the railroad and take charge of it." From this statement of Senator Bailey it is pretty clear that the promoters had about decided that the McLanahan law suit in the Federal Court, involving Nashville's subscription, would be decided adversely to the railroad company, and a foreclosure of the mortgage on the railroad had practically been agreed upon. But Senator Bailey was called into consultation, and a postponement of the foreclosure was agreed upon, the McLanahan suit was, in some way, suddenly settled, and the city is asked to contribute her million dollars toward the further enrichment of the promoters, even after they have profited by the over-issuance of bonds to the extent of \$4,200,000.

Indeed, would the citizens of Nashville not be laughed at as dupes if they suffer the city to be virtually euchered out of \$1,000,000 by a process of manipulating and juggling such as has been practiced by the promoters?

Senator Bailey is mistaken in his assertion that he sold the bonds in July, 1905, and gave Nashville the needed railroads. The stocks and bonds were not sold. The Southern and Illinois Central have an option on the stocks and bonds, but whether they will avail themselves of the option remains to be seen, and, if they should, the independence of the Tennessee Central will be destroyed, for the inevitable foreclosure will come as soon as Nashville's million is paid and the \$500,000 worth of bonds left with the Union Bank & Trust Co. are placed back into the hands of the promoters or their successors.

ANTIDOTES FOR BAILEYISM.

He who comes up to his own idea of greatness, must always have had a very low standard of it in his mind.—*Ruskin.*

The mind of guilt is full of scorpions.—*Shakespeare.*

To what deep gulfs a single deviation from the track of human duty leads.—*Byron.*

The guilt that feels not its own shame is wholly incurable.—*Simms.*

Though it sleep long, the venom of great guilt, when death, or danger, or detection comes, will bite the spirit fiercely.—*Shakespeare.*

Low standards in political life are not only hurtful to purity in present politics, but also militate against the preservation of patriotism in the minds of each recurring generation.—*The Author.*

Guiltiness will speak though tongues were out of use.—*Shakespeare.*

The consequences of our crimes, long survive their commission, and, like the ghosts of the murdered, forever haunt the steps of the malefactor.—*Walter Scott.*

Fraud and falsehood are his weak and treacherous allies, and he lurks trembling in the dark, dreading every ray of light, lest it should discover him, and give him up to shame and punishment.—*Fielding.*

The sin lessens in the guilty one's estimation only as the guilt increases.—*Schiller.*

Men, and especially young men, are greatly influenced in their ideals and in their lives by the examples of our public men. It is well that this is so, and more's the reason why a self-governing people should hold aloft the highest standards of civic virtue.—*The Author.*

Hatred is the vice of narrow souls; they feed it with all their littleness.—*Balzac.*

Hate no one; hate their vices, not themselves.—*J. G. C. Brainard.*

Hell is truth seen too late—duty neglected in its season.—*Tryon Edwards.*

Heroes are not known by the loftiness of their carriage; the greatest braggarts are generally the merest cowards.—*Rousseau.*

Money dishonestly acquired is never worth its cost, while a good conscience never costs as much as it is worth.—*J. P. Senn.*

To love one's country is to love one's fellow-men, and love of our fellow-men, next to love and reverence for the great Creator, is the highest form and manifestation of religion.—*The Author.*

The nation is worthless that will not, with pleasure, venture all for its honor.—*Schiller.*

Sense shines with a double luster when it is set in humility. An able and yet humble man is a jewel worth a kingdom.—*Penn.*

I believe the first test of a truly great man is his humility.—*Ruskin.*

True dignity abides with him only, who, in the silent hour of inward thought, can still suspect, and still revere himself, in lowliness of heart.—*Wordsworth.*

Indeed, what higher conception of religion can be formed than is suggested by that injunction: "Love thy neighbor as thyself."—*The Author.*

The hypocrite was a man, who stole the livery of the court of heaven to serve the devil in.—*Pollok.*

A bad man is worse when he pretends to be a saint.—*Bacon.*

He was a man who would say untruths, and be ever double both in his words and deeds.—*Shakespeare.*

Hypocrisy is the necessary burden of villainy; affectation, part of the chosen trappings of folly, the one completes a villain, the other only finishes a fop.—*Johnson.*

The best and noblest lives are those which are set toward high ideals.—*Almeron.*

CHAPTER XXIV.

BAILEY-GATES \$28,100 "LOAN" (?) AND PORT ARTHUR.

(Charges No. 24 and 25.)

Charges number 24 and 25, were as follows: "That during the year 1906 said J. W. Bailey had a large financial transaction, including a note for twenty-eight thousand one hundred (\$28,100) dollars, with John W. Gates, once of Texas, afterwards of Chicago, and now of New York, involving, as your informant believes, Mr. Bailey's additional connection with large trust interests, perhaps the Wire and Steel Trusts."

"That during his official career in Congress the said Bailey became financially interested in certain enterprises with John W. Gates, formerly of Port Arthur, Texas, and received certain financial benefits in consideration of his official support of certain national legislation affecting Port Arthur, Texas, and the matter of its shipping interests.

The Witness Bailey (continuing page 915):

Q. Did you ever owe Mr. Gates a note for \$28,100 Senator?

A. Yes, sir.

Q. Has any part of it been paid?

A. Yes; I paid \$15,000 on it. [About three years after it was due and after the market for Bailey's political influence had declined to the point that it was worthless].

Q. If you do not mind telling, where did you get the money to make the payment on that note, Senator?

A. I borrowed it from the American Exchange National Bank. [The bank where the Waters-Pierce Oil Company keeps its Texas account. Of course, this may be merely a coincidence].

It is the bank of which Royal A. Ferris is president. That note was not given in 1906. The statement that I had a large financial transaction with Gates in 1906 is not true, no truth in it, this note was sent to Gainesville. I was away, and when I was advised about it, I was engaged in the campaign of the State then, and I borrowed from Ferris' bank \$15,000 and paid on that note.

Q. The balance of the note is due?

A. Yes, sir.

Q. You expect to pay it?

A. Of course. As a matter of fact, I say it is due—I am to pay it when I sell some horses that Gates and myself own.

Q. I want to ask you in connection when you got acquainted with Gates?

A. I have known John W. Gates for ten years, I guess.

Q. You spoke of horses. Were you ever interested with him in any horses?

A. Why, yes. In the late spring or early summer of 1903, I think it was, he and I bought some horses.

Mr. Wolfe: I do not see that this horse business has got anything to do with it. I think we have had enough horses in this case.

Senator Bailey: I suppose the Chairman will agree with you on that.

The Chairman: I do not know as it is necessary to go into that.

Q. We will pass up the horse business then and get down to the twenty-fifth charge.

The Witness Bailey (continuing page 916):

I want to say there is not a syllable of truth in the statement I ever received any financial benefit, aid or assistance from Mr. Gates or from anybody else with respect to that. [What about the \$28,100 note? Bailey said the \$28,100 note represented *another one of his convenient horse trades*, but it was whispered about the committee room that it represented the result of a poker game between Gates and Bailey. Is it possible that bribes take the form of poker game transactions? It has been said that the Standard Oil Company pays United States Senators *for political influence* by having its representatives become indebted to them through poker games, and that the checks therefor, in settlement of those so-called losses, *are finally paid at 26 Broadway.*]

I said [to Congressman Cooper who Bailey was opposing in that Cooper favored Sabine Pass and Bailey favored Port Arthur], "we have got to meet these responsibilities, and we have got to decide these questions as they arise, and you leave it to me, I will take the responsibility. *I will take care of you so far as I can politically, and you just put the whole responsibility on me.* I believe these people are entitled to this port of entry and I am going to support it." After some little further conversation in which Mr. Cooper did not take very decided issue with me, indeed, it was rather plain to my mind that he was convinced I was right about it, I went back over to the Senate *and I then adopted* not my own bill, but a bill that Mason of Illinois had introduced at the request of these other people. [Of course Bailey "*adopted*" the bill and the United States Senate had nothing to do with it.] * * *

The next time I saw Gates—he probably came over there—I said, "Gates, that man Mentz you have here *is a fool*, and I guess you sent him up here because he is a radical." * * * And I told Gates what he had done about Cooper here, *and that it was very offensive to me.* Gates said, "All right." * * * "Well," I said, "you know, don't you that all the Republican Senators are against you?" "No," he says, "I do not." I said, "Well, they are and they would not report this bill. Frye, the chairman, is against you. Hanna is against you, Elkins is against you, Nelson is against you." I said, "The fact is they are going to beat the bill, and although it is a port of entry

to be established in the State of Texas, they are not going to allow Culberson and myself to control it." Gates said, "That is very funny. Hanna told me he would be for it." "Well," I said, "he is not for it." I said, "You had better see them. I will take care of the Democrats. [This sounds very much like a trade had been made.] * * * You see the republicans." Well, he said he would, and he did go around and saw them, *and came back and told me that he had arranged and that they would all support it.* I supposed there would not be any trouble about it. * * * When he came back and told me that these Republican Senators were going to support the bill, I had no further question or apprehension about it. I thought it would go through very easily. When the Congress met next December, I found he was mistaken and I notified him at the first meeting they did not report it, and he either telegraphed me or wrote me to see Mark Hanna and see what he said about it. * * * We had another meeting and I tried to force a report and I could not, and then, as my recollection serves me, we adjourned for the holidays, probably about the 20th or 22nd of December. I still had not been able to force a report from that committee. On the 19th of January, I think the record will show—I would not remember the exact date except I read the record here when they had it questioning that man Mentz—on the 19th day of January I inaugurated a movement to force a report on that bill. I stood there and objected to the unanimous consent as asked by every Republican. * * * I said I was entitled to a hearing on it. Well, finally I forced them to report it and the majority of the committee made an adverse report. Every one of the majority, being Republicans, voted against—that is, voted that the bill should not pass, but anyway I obtained a report and then I moved to take it up, and Senator Hanna moved to recommit it to the committee. Of course to recommit it meant to beat it, and we had a vote on his motion to recommit. *I beat him one vote in a Republican Senate*, but the margin was so narrow it made it hopeless. * * *

The Witness Bailey, (continuing page 947) :

Q. Now, when was it, what was the dates or about the date of the time that Mr. Mentz, the old gentleman who testified here, claims that Gates had written that letter to him that is in evidence?

A. That was in December, 1902.

Q. Now, what is the probable date of this \$28,000 note?

A. Well, it is in the fall of 1903, September or October.

Q. Practically a year after that?

A. Yes, sir; and that note was executed after I had denounced the whole proposition on account of refusing to allow the government to connect with the canal, and it was the time when I was opposing the establishment of a port of entry there. [*Then, that was the time that Gates found it necessary to make him a modest loan of \$28,100.*]

The Witness Bailey, (continuing cross-examination page 954) :

Q. I believe you stated you have not paid the rest of the Gates note, and that it is not due?

A. Well, I have got some of the horses yet. I do not quite understand what it can concern the committee or the public whether I have paid it or not, when it is shown conclusively and positively that it had absolutely no reference to the legislation of Congress as charged in this. * * * Every transaction and every horse trade that anybody can find that I ever had has been brought in here to this committee, to the smallest details of horse trades. [None of the charges refer "to a single horse trade" nor did the proponent of the charges offer any proof with reference to "horse trades." His attorneys several times tried to make it appear that his dealings with people for whom he did work before the Departments at Washington *were the outcome of horse trades*. In other words, *it was a defensive matter and a weak one at that.*]

Q. Well, do you think it is improper about these transactions for the committee to inquire into them?

A. *I do, Mr. Jenkins.* I think that any transaction that could affect my public service, or be affected by it, is a proper subject for inquiry, when the committee has been charged, but I do not think when a man trades a horse it should be a matter of inquiry. You have had an instance here. The Chairman of your committee, as honorable a gentleman as lives, has been slandered by the statement that I sought to influence him by the gift of a horse. Now, of course, you know him well enough to know that is an absolute and unadulterated lie. * * *

BAILEY GROWS ANGRY.

The Witness Bailey, (continuing on cross-examination page 954):

Q. But, Senator, if he was under investigation for having received a horse from you, and he had a horse, do you think it would be improper to ask him where he got it?

A. *I do.* I think it is improper to reflect upon the character of men like Hardy O'Neal on the statement of a man like Carwile. * * *

Q. But the point I am trying to get at is this: Suppose there was a legislative investigation of Mr. O'Neal, in which he was charged with having received a horse from you?

A. If I was a member of the Legislature there would never be that kind of an investigation of Hardy O'Neal.

Q. *No, but there is this kind of an investigation pending.* Suppose you were on the committee. You may have voted against it, but you were appointed on the committee. It was shown he had a horse. Do you think it would be improper to ask him where he got it if somebody had said he got it from you?

* A. *Yes, sir.* I think some things ought to be treated as too absurd. [It should be remembered that "Hardy O'Neal" was the partisan Bailey Chairman of the Committee before which these proceedings in 1907 were had. He helped to whitewash Bailey (unconsciously, possibly)—hence Bailey's great admiration of him.]

PORT ARTHUR PORT OF ENTRY BILL.

BEAUMONT, Texas, April 28, 1906.

Hon. R. A. Green has received a letter from Senator Bailey dated at Washington, April 24, in which the Senator says he will favor the Port Arthur Port of Entry Bill.—Galveston News, April 27, 1906.

PORT ARTHUR-SABINE PASS CONTROVERSY.

John H. Kirby, (Bailey Invest. Com. Report, 1907, page 444), testified as follows:

I am a stockholder in the Houston Oil Company, and the Houston Oil Company has an interest in property at Sabine Pass.

Q. Very well?

A. To that extent I am interested in a Texas Harbor.

Q. Well, did you have that interest at that time that Senator Bailey was your attorney in these transactions about which you testified?

A. Yes, sir.

Q. Did you not even appear before committee in Congress for the purpose of presenting the Sabine interests?

A. I did. I appeared before the Committee on Commerce of the Senate, United States Senate. There was a measure, there was a bill up to make Port Arthur a port of entry.

Q. Yes, sir.

A. And Senator Bailey was supporting the bill. I appeared before the Committee in opposition to the bill, and Senator Bailey introduced me, expressed his regrets that he had to lick me, and proceeded to lick me. [Kirby did not know, perhaps, of the \$28,100, loan that Gates, the promoter of Port Arthur, had made Senator Bailey, else he might have understood more clearly why Senator Bailey was under the necessity of "licking" him].

GAINESVILLE BANKERS MAKE OATH TO BAILEY-GATES \$28,100 NOTE.

D. T. Lacy on direct examination by Mr. Cocke testified, (Bailey Invest. Com. Report, 1907, pages 615-617) as follows:

I have lived at Gainesville, Texas since August 1880; have been in the banking business most of the time since—24 years, and am now president of the First National Bank. There was a note passed through the First National Bank for \$28,100 payable to Gates, during October or November, 1906, signed by J. W. Bailey, a four months' note. I am familiar with Mr. Bailey's signature and I thought it was his genuine signature. *The note did not bear interest or attorney fees.*

Q. How did you come to notice this note?

Mr. Odell: We object as to how he came to notice the note, your honor.

The Chairman: Well, just state any fact that occurred in connection with it.

The Witness: By reason of its being past due, I suppose the cashier showed it to me; and he had special instructions and he wanted to know what to do with it. I think the note was dated September, four months', 1903. I am not positive whether it was September, 1902 or 1903. The instructions were—

Mr. Odell: We object to any instructions accompanying that note, your honor.

The Chairman: I don't see that that has anything to do with it.

Q. Where did the note come from?

Witness: It came from a bank in New York. We did not collect it. We returned it by instructions from the people who sent it to us. It had no evidence of security on it, just a plain commercial note without interest and without attorney fees, I think.

Well, yes, sir; the note was returned the second time, though I did not see it. I know from the cashier that it was returned. Mr. Gladney can testify as to its return.

BAILEY, THE INSOLVENT, SUDDENLY DEVELOPS INTO A MONEY LENDER.

The Witness Lacy: I do not know of my own knowledge of any large loans that Mr. Bailey negotiated at Gainesville within the last couple of years. I know it from others. Whateley & Jones done business with the First National Bank and they borrow a good deal of money, and I know they came to me one time and wanted to make some arrangement to pay some interest. My recollection is that they wanted to pay interest on a loan they had made from Mr. Bailey. It was somewhere about \$3,000, I think. [It was \$3,200, being the annual interest at 8% on \$40,000 that Bailey had loaned them].

[Referring to the Bailey-Gates note again]—I told him, the cashier, to notify Mr. Bailey who at that time was at Washington City. His private secretary was there in town and he notified him through the mail and in a few days we got instructions to return it, through the New York bank. I think that is the only collection we have had on him *in a long time*.

CASHIER GLADNEY ON BAILEY-GATES NOTE.

(Port Arthur-Sabine Pass "Loan?")

J. W. Gladney on examination by Mr. Cocke, testified, (Bailey Invest. Com. Report, 1907, pages 617-623) as follows:

My residence is Gainesville, Texas; my business, banking business, cashier of the First National Bank—I have been in the banking business 16 years. Sometime in October, 1906, there came under my observation in due course of business a note payable to J. W. Gates and signed by J. W. Bailey for \$28,100. The note was two or three years past due and I am not sure about the time. It was a four months' note. It came from the Mutual Bank of New York; that bank is not our correspondent. It was sent to us for collection, with instructions to—

Mr. Odell: We object to what instructions the note—

The Chairman: That is hearsay.

The Witness: We returned it to the bank from whom we got it. We received a telegram from the bank asking us to return it.

NOTE IS RETURNED WITH \$15,000 PAYMENT ENDORSED THEREON.

It came back in the course of three or four weeks for collection; there had been endorsements made on it for \$15,000. The note was not secured in any way, that it showed. It had an endorsement on it of one Mr. Hudson. I notified Senator Bailey through the mail and later saw him and asked him what I should do with it and he said return it, that he would *correspond with the parties*.

It was sometime in October, 1906. It was past due, I would say, two or three years. Mr. Bailey gave me no information whatever about it. I think the note was not drawn upon the form of any bank. If I remember correctly, it was a printed note and written the same as any other note might be. [Bailey seemed to keep on hand a supply of plain, four months' notes for the convenience of those seeking his official influence. Four months' seems to be his favorite pay day, *but by some strange fatality his notes have unexpectedly turned up unsettled, years after*].

SABINE PASS AND PORT ARTHUR PORT OF ENTRY BILLS—BAILEY-GATES AND \$28,100 "LOAN."

Mr. E. B. Mentz, a witness for the complainant, was sworn Feb. 4, 1907, and testified (Bailey Invest. Com. Report, 1907, pages 575-600) in substance as follows:

Direct examination by Mr. Cocke:

The Witness Mentz: For the past nine months I have resided at Houston, Texas; prior to that time I lived at Port Arthur, Texas, and practiced law in Beaumont. I was raised in New Orleans. Yes, sir; from the years 1900 to 1904 I had business in Washington. I was sent to Washington by the Chamber of Commerce of Port Arthur and the citizens to see if we could get Port Arthur made a port entry. I was there in 1901, 1902 and again in the fall of 1902 and the winter of 1902-1903 I remained there.

Yes, sir; I met Senator Bailey when I was in Washington in connection with that matter; met him in the committee room meetings—the Committee of Commerce of the Senate.

Sabine Pass was at that time a subport to the district of Galveston and Congressman Cooper said: "The Treasury Department is against you." He agreed, however, if I could get the recommendation or the approval of the Treasury Department, to introduce that bill for me. Afterwards I got the Treasury Department to recommend it and Mr. Cooper introduced it as "by request." My bill was defeated by the Ways and Means Committee in the House; and they made a report favorable for a subport. [That is, they wanted to make Port Arthur like Sabine Pass, a subport to the district of Galveston].

I was perfectly willing to that because I had the same bill introduced into the Senate for the purpose of having it referred to the Committee on Commerce from a substitute for the subport bill or from the House's Ways and Means Committee.

Well, now, when it came to the Committee of Commerce in the Senate, Mr. Bailey was against us, that is, against Port Arthur. I had been informed by J. W. Gates, who had an interest in this matter, a large property owner there, that I could rely on Mr. Bailey's influence in getting the port of entry bill before the Senate Committee. *Well, I found that I could not rely on it*, although he did not say he was positively against it. Mr. Gates sent on his partner, Mr. Hopkins, *president of the Diamond Match Company*, and also his agent, George W. Tray, and they arrived in Washington the morning before this bill was coming up before the Senate Committee, *and they told us Mr. Bailey would be with us*. I told them they were mistaken and advised them to go to his office for a talk with him before we went into the Committee Room. Well, when they came out they said, *"You are right, he is not for us."* [Gates had not yet made his "loan" large enough, perhaps]. Mr. Kirby, I understood, had employed Mr. Franklin of San Antonio. The Kountze Bros. of New York brought a lawyer from New York. Now, I will go back a little so that you will understand it. The fight was between Sabine Pass and Port Arthur. Their fight was that Port Arthur should be simply made a subport, the same as Sabine was, under the district of Galveston, and not the bill that I had introduced for the purpose of making Port Arthur a full port of entry and Sabine Pass a subport.

That is what I was working for. It seems that Mr. Kirby in the meantime had bought a half interest in the front of Sabine Pass from Kountze Bros., and now Mr. Kirby—now, I would not know Mr. Kirby if I should see him—I was told he was there. But Mr. Calhoun and Mr. Kountze—and I am told Mr. Kirby—were there, and they appeared before the Committee fighting our proposition.

For we tried to keep Sabine Pass a subport under Galveston. They made me a proposition that if I would withdraw my bill they would go in and assist me in getting a subport, and place us on an equal footing, you understand, with Sabine Pass, and then in years after which one would be entitled to it should have it.

Mr. Bailey favored Sabine Pass at that time. That was near the end of the session of 1902.

GATES DISAPPOINTED.

Q. How did Mr. Bailey's attitude before this Committee affect Mr. Gates?

A. Before the Committee at that time?

Q. Yes, sir; was Mr. Gates disappointed in Mr. Bailey's attitude?

A. *Oh, yes; he expressed himself as very much disappointed.*

Q. How did he express himself?

A. He expressed himself *that Senator Bailey was under obligation to him*, and he certainly thought he would support Port Arthur.

Q. Did he say why Bailey was under obligation to him?

The Chairman: That is not proper, unless Mr. Bailey was present.

Mr. Cocke: We propose to show that Mr. Bailey was under financial obligations to Mr. Gates at that time.

The Chairman: If you can show that that is all right, but not by what somebody else said.

(Mr. Cocke requested that the name of John W. Gates be added to a list of Witnesses for whose attachment application has heretofore been made, the said Gates being now reported to be at Port Arthur, and that he be notified by wire.)

Q. Do you know whether or not it is a fact that Mr. Bailey is under obligation to Mr. Gates?

Mr. Odell: Of your own knowledge.

The Chairman: Not what anybody else told you unless it was Senator Bailey or somebody in the presence of Senator Bailey.

A. I can not testify as to what Gates told me. [The witness told the author that he learned from his conversation with Gates, both then and afterwards, that Gates had placed Bailey under financial obligation to him and Bailey had promised gates to support Port Arthur as against Sabine Pass, *as Bailey did do during the next session of Congress*, as will be shown further on in Mr. Mentz's testimony].

GATES WRITES TO MENTZ, "I HAVE ALL ARRANGEMENTS MADE TO PUT OUR MEASURE THROUGH THIS SESSION."

(1902-1903.)

The Witness Mentz:

Q. Did you go on with that controversy between Sabine Pass and Port Arthur the next session?

A. Yes, sir.

Q. Did Mr. Gates write you a letter in December, 1902, with reference to this matter?

Mr. Odell: We object to what Gates did.

Mr. Cocke: I propose to show the letter, Mr. Chairman.

Q. Did Mr. Gates write you a letter?

A. He wrote me several letters.

Q. Did he write you a letter on the 3d day of December, 1902?

A. Well, now, I would not be positive about the date. It was about that.

Q. Will you refer to that letter that was requested in the subpoena duces tecum and let me see that letter?

Senator Looney: *I raise the objection that it is immaterial whether he got a letter or not. I do not care what it bears on.* It could not be testimony in this case. It is purely hearsay, Bailey not being present.

Senator Stone: *And having no knowledge of the letter.*

Mr. Robertson: It might be a link.

Senator Looney: You can only prove links by legal testimony.

You cannot prove any fact only by legal testimony, and it can not possibly be legal testimony in this case unless Bailey knew of it.

Mr. Cocke: There are allegations here that Mr. Bailey entered into financial arrangements with John W. Gates, by which he became obligated to him and to the interest which he represented, and his services and influence were thereby—

The Chairman: Let me see the letter and then I will pass on it. There is no objection to my looking at it, is there?

Witness: I will let you see the letter. I have been summoned under a subpoena duces tecum. In producing private correspondence I want to say that I am very reluctant to do it, and am very sorry that I am summoned here and forced to do it.

The Chairman (Having examined the letter): I will let the letter be read. If it made any statement that was binding on anybody I would not permit it.

Mr. Wolfe: I am objecting to this because I think it is just simply a transaction between two parties. It is hearsay and could not be admissible upon any theory.

Mr. Cocke: I expect to show a connection.

Mr. Wolfe: I have not seen the letter, have seen nothing of it, *and I do not care to see it, and I do not care what is in it*, it could not be admissible on any theory. Then if the Chair is right in saying it does not amount to anything, it is irrelevant and immaterial and ought not to be admitted on that ground.

The Chairman: Well, he states he proposes to connect it with some other circumstance, and I will let it go in on that ground. You have a right to appeal from the Chair.

The letter referred to was read as follows:

“PORT ARTHUR, Texas, Dec. 3, 1902.

“DEAR MR. MENTZ: *I have all arrangements made to put our measure through this session*, and hope you will do nothing until I can see you. I will be in Washington early in January.

“Yours truly,

(Signed) JOHN W. GATES.”

Q. Was this letter written in December, 1902, after the close of the session in the summer of 1902, about which you spoke awhile ago?

A. Yes, sir; several months after.

Q. What arrangements did Mr. Gates refer to in this letter in stating he had made all arrangements?

The Chairman: State of your own knowledge any fact you know. You are a lawyer, are you not?

A. Yes, sir.

The Chairman: Well, state only things you know.

Mr. Cocke: You may know without giving the conversations.

Mr. Odell: We do not want any conclusions or opinions.

The Chairman: Just state the facts, not conclusions you drew from any conversation with Mr. Gates when Mr. Bailey was not present and had no knowledge of it.

Witness: There was nobody present but Mr. Gates and myself, only he told me that was his position. I could only tell what he told me.

Q. While you were there representing the Chamber of Commerce and citizens of Port Arthur?

A. Yes, sir. [Gates told the witness that he had "made arrangements with Bailey" for the latter's support and influence, but the Committee would not allow Mentz to testify to what Gates told him, although the author tried by telegram from the Committee to get Gates to Austin. Gates apparently skipped out *and wired back from Louisiana he could not come.*]

The Witness:

Q. Were you familiar with the efforts, from time to time, on the part of Mr. Gates and other citizens, of Port Arthur, to secure Port Arthur as a port of entry?

A. Yes, sir; I was.

Q. Are those the arrangements referred to by Mr. Gates in this letter?

Mr. Odell: I object to that because that is his conclusion.

The Chairman: I sustain the objection. Any fact you know of that comes within your knowledge of Senator Bailey there—

BAILEY SPENDS WINTER OF 1902-1903 IN NEW YORK AWAY FROM
OFFICIAL BUSINESS AT WASHINGTON.

Q. Well, we will proceed a little and then come back to this. Was Mr. Bailey in Washington attending Congress during the month of December, 1902?

A. He was not, unless it was the last two or three days of the month. I do not think that he returned. *They said he was in St. Louis until after the holidays.*

Q. Congress was in session?

A. Congress was in session.

Q. Do you know whether or not that is the time Mr. Kirby had employed him in his matters?

A. Yes, sir.

Q. Was Mr. Bailey in attendance on Congress, and if not, to what extent was he absent during the winter?

A. He came to Washington some time after, or about the 1st of January. He came there about the 1st of January or a little later, and remained a few days. I had a conversation with him relative to this measure, and I wanted to get it up. He seemed to be anxious to get it up. *He said he was very anxious to get it up, and he was in favor of the measure being passed.*

Q. That is the Port Arthur bill?

A. That is the Port Arthur bill, *the one he had opposed the winter before*; but in a few days after that he went to *New York*. Then he returned again and stayed a few days.

Q. How long was he gone the first time?

A. He was gone about a week, and then he returned and then he went back.

Q. How long did he stay in Washington when he returned that time, after he had been in New York a week?

A. About a week, I think. I can not remember exactly, you know.

Q. You say he went back to New York? How long did he stay that time?

A. He stayed awhile that time.

Q. Well, how long?

A. Well, several weeks.

Q. Well, five weeks, six weeks?

A. Well, I would say anywhere between four and five weeks. I can not say just how long. I was interested in getting the measure up, and it was some little time that he was away.

Q. Four to six weeks you say?

A. Four to six weeks, somewhere about that time, but he might have been back during that time, you understand, in his office.

Q. He was not available for the purpose of this hearing?

A. No, sir.

BAILEY CHANGES FRONT.

Q. Why did you keep up with his movements?

A. Because the people were pressing me to get the thing brought before the committee and have it attended to.

Q. And you expected his assistance before the committee?

A. I did.

Q. Did he finally come back and assist you?

A. *He did. He appeared before the committee in the interest of the bill.*

Q. *This is the same bill he had opposed the session before?*

A. *Yes, sir.*

Q. Then did Mr. Bailey continue in support of the Port Arthur bill until it was finally passed?

A. Well, there was some little trouble, you understand, with the committee, and the committee refused to make the report, and the Record shows that Mr. Bailey returned to the Senate and asked the Senate to take the bill from the Committee and report it, and from that there was considerable trouble and from that time on the bill dropped. I had a conversation with Mr. Bailey after that when he returned from New York, and I believe the remark he made was that Gates' friends did not stand by him in the Committee—some remark of that kind. I think that was about it. I do not want to say

anything that I do not know positively. That was pretty well along towards the latter part of the session. Then I went in and tried to get the bill up, and then we dropped it for that session.

Q. Was Colonel Cowart of Dallas in Washington during the winter of 1902 or 1903?

A. Yes, sir.

Q. Did he go over to New York to see what was the matter that Mr. Bailey did not come back and help you with that bill?

A. It was his own interest, you understand. At least, that is what he told me.

Q. What did he report when he came back from Mr. Bailey?

The Chairman: I think that is objectionable.

BAILEY EXPLODES AND CRIES "LIAR."

Mr. Cocke: I want to show, Mr. Chairman, that Mr. Bailey was over there on the ground that he was having his throat treated, *but was in fact attending to the Kirby Lumber Company's matters, neglecting his duties at Washington.*

The Chairman: If you can prove that as a fact, it is all right, but you will not prove it by what somebody said about it.

Mr. Cocke: Then we will ask for a telegram to be sent to Mr. Cowart.

The Chairman: You can file your application for it.

Senator Bailey: *There is no use sending for Mr. Cowart.* It is a lie, anybody saying that Mr. Cowart came to New York for me.

Witness: What is that?

Senator Bailey: I say anybody that says Mr. Cowart came to New York for me—

Witness: Do you mean to say I told a lie?

Senator Bailey: If you say that I do.

Witness: Gentlemen, I don't want to be insulted. I was stating what I was told. That is all.

The Chairman: Gentlemen, I don't want any more such remarks.

Witness. *I am able to take care of myself.*

Senator Bailey: Mr. Chairman, of course, you understand that I don't want to be offensive to the committee, but I will not sit here and hear men ask such questions or tell such lies and submit patiently and tamely. Now, this witness does not know anything about what Mr. Cowart did, except what Mr. Cowart may have told him.

Witness: That is all I say; that is all I was going to say.

Senator Bailey: Mr. Cowart did not come to New York to see me at that time. The question implies that I was there pretending to do one thing when I was doing another. That is a lie.

Witness: Now, then, I say this in answer to this, that when Mr. Cowart said when he returned from New York, he made this statement to me in the presence of Henry Bass of Port Arthur, who was there at that time, and he called me aside and made me this statement

in his presence. Now, I am just stating this for the purpose of showing that I didn't ask to be permitted to state it, because I am not here for the purpose of giving any testimony. *I am here reluctantly, I didn't want to come. I did not obey the first subpoena, but as the questions are propounded, I want to state them just as I know them. It was only hearsay on my part. I will tell nothing but the truth, and so help me God, I will allow no man to call me a liar.*

The Chairman: Have a seat, he hasn't called you a liar—he says that statement—I hope we won't have any more scenes before the Committee.

Senator Bailey: Mr. Chairman, perhaps I owe the committee an apology. I ought to have said that outside of the Committee room. I have submitted for two weeks to every kind of insult in these interrogations and some of these answers, and a man can be rubbed on one place, even lightly, until he gets sore, and I have about reached that point, and while I want every witness to state everything that he knows, I don't propose to sit here and hear witnesses saying things that they do not know themselves, and things that I do know are lies. I do know that Mr. Cowart did not go to New York to see me during that time, or any other time, about my public duties or any matter pending in Congress.

Mr. Cocke: Mr. Chairman, I take it that Mr. Bailey will have an opportunity to make his explanation with reference to these matters. Naturally I feel that it is my duty to ask such questions as to my mind will elicit the truth. If they are objectionable, Mr. Bailey has able counsel here, and they in an orderly manner may make the objections, and the Chair and the Committee will doubtless make such rulings thereon as to them shall seem proper and right. I take it that every man who enters this committee room submits himself to its authority, and I am acting on the assumption that this committee is conducting this matter as it sees proper and right, without reference to the feelings necessarily of any man, *and because these questions, and because the facts they elicit, and because the charges here pending, reflect upon any man, is in the nature of things a necessity.*

The Chairman: Proceed with this witness.

Mr. Wolfe: I want to say one word, the whole trouble about this is attempting to prove something that isn't admissible.

The Chairman: I have been trying to keep out hearsay testimony to keep down trouble like this.

A. I want to say this, if I said anything here that reflects upon anybody, I regret it, but at the same time you all know that I am not a willing witness in that matter.

Mr. Odell: No, we don't know that, we will see about that later on.

A. Well, I am speaking of the conduct—I have no interest in the matter; I have no interest, and therefore I want to answer only such questions as are proper.

The Chairman: Gentlemen, I will state this, I am going to be a

little more rigid hereafter with the testimony taken. If a question is asked that is illegal, I am going to rule it out. *I am going to try to keep down scenes before the committee.* I think it is proper that I should.

Q. What did you do, Mr. Mentz, after you received this letter from Mr. Gates?

A. I remained there in Washington as requested.

Q. Until he came on in January?

A. No, he didn't come in January as he said he would, he didn't come until later.

Q. Well, Mr. Bailey finally appeared before the committee, did he, in behalf of the Port Arthur Bill?

A. Yes, sir.

Q. I believe that's all—now as to any monetary dealings, if any, you haven't any personal knowledge?

A. I have no personal knowledge.

Q. Between Mr. Gates and Mr. Bailey, or between Mr. Bailey and the president of the Diamond Match Company.

A. No, sir. [After a long cross-examination by Mr. Odell, Mr. Mentz affirmed and re-iterated the foregoing testimony and varied it only by saying, after his attention was called to it, that Mr. Bailey attended the session during a part of December; that he, Mentz, did nothing during the month of December but wait for Gates' arrival in accordance with the instructions given him in Gates' letter of December 2nd; and beginning with the first of January he tried repeatedly to find Mr. Bailey but usually found that he was in New York. *That was the time that Mr. Bailey pretended to go to New York for throat treatment but incidently he managed to make approximately \$200,000 out of Kirby, Yoakum and Pierce and Campbell. How much more he made, while the people of Texas were paying him to attend to their business, will remain undiscovered to the end, inasmuch as the Committee concluded its labors without getting the testimony of Pierce, Gates and many others in St. Louis, Washington and New York, who might have thrown great light on many of these transactions and perhaps disclosed many more.*]

The Witness Mentz (On cross-examination): The substance of my conversation with Mr. Bailey, at the time he first gave me to understand that he was against the Port Arthur bill, was that he was not in favor of the bill. Then he turned around to his desk and said, "Now, here is my correspondence, and here is a letter from my friend Kirby." I was disappointed when I found he was not favoring Port Arthur because I had been lead to believe that he was favoring it. [He was probably just waiting for Gates to "put up."]

Q. When did you write Mr. Cocke the last time?

A. Mr. Cocke?

Q. Yes.

A. *I never wrote Mr. Cocke a letter in my life, and never saw Mr. Cocke until this morning.*

I will say further, I went there [Bailey's office, while he was spending so much time in New York instead of at Washington] two or three times. Senator Bailey told me, "Well, now we are busy and I will be here in a day or two." I met the Senator and he said, "I got a letter from Johnny"—I suppose he meant John Gates—and "we can not get this matter up." I did not see the Senator for some little time. *I don't say he was away all the time.* I say I did not get to see him until about the time this was coming up. [That was well on in the session of 1903.] I have gone there when he was not there [to his office] and I went to the Senate Chamber and been informed that he was in New York. It was frequently during the whole session, [That is December. It is significant that this witness testified also that when he first began to inquire for Mr. Bailey early in January, 1903, he was told that Bailey was in St. Louis. It will be remembered that this was about a month or six weeks after Kirby employed Bailey and it was about January, according to Kirby's testimony, Pierce endorsed Kirby's note at the Mississippi Valley Trust Company for \$150,000. Bailey, perhaps, first went to St. Louis, after Kirby hired him, and laid the whole thing before Pierce. It is certain that afterwards these wheels within wheels all seemed to run smoothly, and Bailey, for the first time, began heavy purchases of real estate in and around Lexington, Kentucky, where he had therefore kept his racehorses upon a leased farm.]

There was nothing occurred from the time he did oppose it until he favored it—no change in the physical situation that would make any difference. Afterwards Senator Bailey, as the chief spokesman for the Port Arthur bill in 1903, on his return to New York, left Senator Berry in charge of the bill. [Not being in regular attendance on his duties at Washington, but rather in New York dealing in the Trust mysteries, Bailey must needs turn over his duties to Berry or someone else.]



ONE OF BAILEY'S FAMOUS THOROUGHBREDS.

(Photo by Lexington, Ky., Photographer.)



When Bailey could explain his questionable drafts and monetary dealings with the trust masters in no other way, it was always convenient for him to ascribe such deals to "the purchase of a stallion or a thoroughbred bull."

CHAPTER XXV.

BAILEY AND A SUBSIDIZED PRESS.

Charge number 34 was as follows: "That the said J. W. Bailey is financially interested in the Fort Worth Record, a daily newspaper published in Fort Worth, Texas; that he is directly financially and politically interested in the editorial and news policies of the Austin Daily Statesman and Houston Daily Post."

The witness Bailey (continuing p. 914)—

I do not and never did in my life own five cents worth of interest in the Austin Statesman [but his friend Kirby does], or in the Houston Post [but Johnson does.]

I do own ten thousand dollars' worth of stock in the Fort Worth Record. I had two motives in taking that stock. One was to help Clarence Owsley, whom I consider one of the greatest editorial writers in the United States and one of the most lovable of men. *He is a friend of mine.* The second motive was that I wanted to see a Democratic Newspaper established in the northern part of the State. There was no great daily paper there except the Dallas News, which does not pretend to be a Democratic newspaper, and which, if it did pretend to be, everybody would know it was not. [Bailey in his speeches in the fall of 1906 often referred to that great newspaper, the Dallas News, as "the scarlet woman of Texas journalism." In spite of this, however, the News, true to the policy of giving the people all the news without color or hindrance, has been extremely fair to Bailey both in its news items and editorial columns.]

I believe that if a newspaper like that is left to educate the youth of the land, that finally all Texas Democrats would be of the Dallas News variety, which, to my mind, means no Democrats at all, and I was very anxious to see a Democratic newspaper established in the northern part of the State, and I contributed to the extent of my ability, and I would have contributed more if it had been necessary, and I had been able.

The witness Bailey (on cross-examination p. 988)—

Q. (by Judge Wolfe): I clipped this [article criticizing Bailey and his rate bill methods] from the Chronicle.

A. (Bailey): *I would just about as soon you would read to me from the Police Gazette. It is quite as respectable.*

Now, I will ask you in that connection if you have, or would you request Mr. Pierce to come to subject himself to the jurisdiction of this committee under these circumstances?

A. I have not asked him, and I would not ask him, Senator Looney. I would not put myself in the attitude of asking any man in the world for my accommodation to come and submit himself to ar-

rest and prosecution for a felony, and particularly when I believed the prosecution was a part of a political program against me. [The difference between Gruet, Bailey and Pierce is that Gruet frankly admits that for years he was the hireling of Pierce and the Standard Oil Company, *that he and his family might have bread*, whereas Bailey and Pierce repent not, neither do they confess their sins, but like the Pharisee of old "Thank God that they are not as other men are, extortioners, unjust, adulterers, *not even as this Publican.*"

BAILEY OWNS STOCK IN TEXAS NEWSPAPER.

MR. CLARENCE OUSLEY

Editor of the Ft Worth Bailey Record, otherwise known as the Ft. Worth Record, was sworn and testified (Bailey Invest. Com. Report, pp. 413-418), in part as follows:

Have lived in Fort Worth about three and one-half years. I am Editor of the Record which was chartered in May or June, 1900, with the authorized capital stock of \$150,000, the paid in stock being \$90,000. At the time of the organization, Senator Bailey subscribed to \$8,000 of the capital stock and when it was increased he took an additional \$2,000 to relieve my distress in the matter of a failure of a mutual friend to take up the \$2,000 for which he had subscribed. After the additional \$2,000 was issued to him he surrendered the two certificates and had a certificate for \$10,000 issued in my name and turned it over to me to be used at my discretion and voted by myself, and that is the way the stock stands now. *He has the stock and is the owner of it. Yes, sir; R. M. Johnson of the Houston Post is a director.*

I do not know whether or not Senator Bailey is in any wise interested in the Austin Statesman. I control the vote and majority of the stock in the Fort Worth Record by my holdings *and the holdings of friends which I represent.* I came to Austin [to assist Bailey in his fight first against the investigation and second for the whitewash.] the day the legislature met. I was here from the time I arrived until Friday night last week with the exception of two days at different times which I spent at home; almost continuously for the most of three weeks, for the greater part of three weeks. [His senatorial idol was in great need of outside support.]

Among those I found here undertaking to assist Senator Bailey by conferences and consultations were the following: Mr. Hanger [W. A. Hanger, afterwards one of his lawyers], Mr. Jones [T. N. Jones also one of his lawyers], Mr. Lemmon of Sherman and Mr. Sandford of Sherman; Col. Jot Gunter, Col. Johnson [of the Houston Bailey Boast]; I recall that Mr. Radney and Mr. Standford and Mr. John Wortham were present. Those, I think, were the most active. *I saw Mr. McNulty several times around the hotel.* [Secret service man of the Waters-Pierce Oil Company in Texas known as their *Special Agent*, being their legislative spy "and general roustabout," *who was recommended for his position to H. Clay Pierce by the Standard Oil Senator from Texas.*]

FT. WORTH RECORD AND HOUSTON POST PUBLISH THE SAME EDITORIAL SIMULTANEOUSLY, DECEMBER 8, 1906, IN DEFENSE OF BAILEY.

The Witness—[being recalled, pp. 823-824]: Yes, sir; I was here in Austin at the time Mr. Bailey was preparing his reply to the Attorney-General. [December 5-7, 1906.] Col. R. M. Johnson was here a part of the time—the greater part of the time. *We were both in consultation with Mr. Bailey.* I recall the editorial exhibited to me in the Ft. Worth Record of Dec. 8th, 1906, entitled "The Fight on Bailey." I don't recall who wrote the editorial, my recollection is that we got it from the Post. I did not have anything to do with the preparation of it. *I think we got it from the Post.*

Yes, sir; this editorial in the Post of December 8th, entitled "The Fight on Bailey" *seems to be the same* without checking it up line for line. It is an editorial in defense of Bailey.

R. M. JOHNSON, OF THE HOUSTON POST, ADMITS RUPTURE WITH THE SAN ANTONIO EXPRESS OVER BAILEY NEWS ITEMS.

MR. R. M. JOHNSON

(Bailey Invest. Com. Report pp. 418-421), testified in part as follows:

Q. You speak of an exchange of news contract?

A. Yes, sir.

Q. Between your company and that of the Fort Worth Record?

A. Yes, sir.

Q. Has the San Antonio Express until recently been a party to that arrangement also?

A. They have. We have got that now with the Express.

Q. Has there been any rupture within the last few days?

A. There has.

Q. On the ground that the Express wasn't getting the real news, as it contended?

A. No, no; I don't know about that, but the rupture occurred in this way, *that we didn't believe that matters were being handled here according to our notion or the way we thought they ought to be handled.* There was some objection raised, *and the managing editor of the Express said we had better break up this legislative combination.*

[The managing editor of the San Antonio Express found out that the Houston Post correspondent at Austin was not giving them the testimony in an unbiased way, and while the Express never has been decided, one way or the other, in this controversy, the miss-representations of the Post and Record were so outrageous as to cause the Express to break loose from that combination at the time.]

COLONEL JOHNSON ADMITS THAT A NOMINEE MIGHT FALL FROM GRACE.

The Witness: I came here on Monday, the day before the Legislature met. I favored an investigation speaking for myself, and I

think that was Senator Bailey's position, *that he was in favor of a proper kind of an investigation. [The kind that would guarantee him a whitewash.]*

Q. Just one other question—is there anything a Democratic nominee could do that would swerve your paper from its support of him?

A. Yes, sir. If you would show me that Senator Bailey is dishonest, I would quit him.

Q. *Well, suppose he collected that money as a fee, not a loan, and concealed the fact for six years and it is proven true, would you think a Democratic paper ought to support him in the face of that?*

A. *I would say, no I don't.*

E. I. IMBODEN "MARRIES" THE AUSTIN STATESMAN.

MR. E. I. IMBODEN

was called as a witness for Bailey and examined by Odell. He testified (Bailey Invest. Com. Report, 1907, pp. 553-555), in part as follows:

Have been editor of the Austin Statesman since January 1st, 1907.

By Mr. Cocke:

Q. How long have you adorned the editorial seat of the Austin Statesman?

A. I don't know whether I have adorned it at all or not; I have occupied it since the 31st day of December, 1906.

Q. Well, on the question of ornamentation you decline to render an opinion?

A. I may state that there is not much ornamentation to it.

Q. *You were imported here, for this special occasion, were you not?*

A. I was not.

Q. Are you the permanent editor of the paper?

A. I am, sir.

Q. You don't know whether you will continue or not do you?

A. I have a contract to continue.

Q. Who has been the editor of the Austin Statesman for some years?

A. Mr. Asher G. Smoot.

Q. Is it not a fact that he retired from that position temporarily because he would not direct the editorial part of it according to the interests of Mr. Bailey?

A. It is not a fact.

Q. Isn't it a fact that Mr. Bailey is politically interested in the editorial and news policies of any paper that will fight his battles for him?

A. He has no interest, financially or otherwise—

Mr. Jenkins: I think that is an opinion.

The Chairman: I sustain the objection.

Mr. Green: Has your conduct generally been good?

A. I have tried to make it so.

By Mr. Senter:

Q. Who owns the Statesman?

A. My understanding is that *Mr. John H. Kirby of Houston owns practically all the stock in the Statesman*. I want to say this in connection with that charge: That I have never discussed the editorial policy of the Statesman with Senator Bailey, nor have I ever discussed Senator Bailey with Mr. Kirby *until after I assumed editorial charge of the paper*, so far as the paper supporting him was concerned.

Mr. Cocke: You did not know that Mr. Kirby and Mr. Bailey were friends before you were employed, did you?

A. I don't know that I did know they were friends before I was employed. He [Kirby] told me that he would like for me to come to Austin and marry the Statesman—that was the expression he used.

Q. Have you had a rapturous honeymoon with your new bride?

A. I refuse to be insulted by you, sir, in here or on the outside.

Q. No insult intended, sir. *Do you mean to say up to this time if you were following the editorial policy of the Houston Chronicle that you could hold your position?*

Mr. Wolfe: I object to that as immaterial and inadmissible.

The Chairman: I think it is unnecessary to ask him such questions as that.

Mr. Cocke: The committee declines to let the witness answer the question?

The Chairman: No, sir; I refuse to let the witness be insulted on the stand, and put it down that way.

[And thus was Mr. Imboden prevented by Bailey's partisans from answering the last question. Of course, Mr. Imboden could not hold his position with Mr. Kirby's paper if he wrote editorials against Mr. Bailey, such editorials as appeared in the Houston Chronicle and the Dallas News. The conclusion is irresistible that Mr. Kirby was and is not only the owner but controlling the Austin Statesman and that such control is used for Mr. Bailey's benefit. The author knows positively that Bailey helped Kirby, not only with his lumber stock manipulation but in the matter of the Kirby-Moore Bribery Indictment, in Travis county, some years ago. The source of this information comes to the author in confidence and he cannot disclose it. *Suffice to say that it was over Mr. Kirby's own signature.*

AFFIDAVIT.

STATE OF TEXAS,
County of Johnson.

Before me, the undersigned authority, on this day personally appeared P. S. Banner, to me well known, who, after being by me duly sworn, upon his oath deposes and says:

That during the month of April in the year 1900 and for some years prior thereto, he was a resident citizen of the City of Houston, Harris County, Texas;

That on or about the 7th day of April, 1900, he was sitting in the editorial rooms of the Houston Post at Houston, Texas, in private conversation with Mr. R. M. Johnson, Editor in chief of said publication;

That as their conversation progressed an attachee of the editorial department entered the room and showed the said Johnson a communication, asking the said Johnson, "What about this?"

That said communication, which affiant could not help but see as it was placed directly in line with his vision, was signed by Jos. W. Bailey;

That said attachee inquired of said Johnson whether or not he should comply with the request in said communication contained, to-wit: the publication of the article entitled, "*Bowing to the Law*";

That said Johnson replied in substance: he has arranged matters all right; will make a good editorial. And, as the attache was retiring, Johnson said, "Publish anything he sends you, *it is all right now*";

That on the following day, to-wit, the 8th day of April, 1900, the now famous editorial, entitled, "*Bowing to the law*," appeared in the Houston Post as a leading editorial, Further deponent saith not.

P. S. BANNER.

Sworn to and subscribed before me this 6th day of November A. D. 1907.

T. T. STURGES.

(Seal) Notary Public,
in and for Johnson County, Texas.

"BOWING TO THE LAW."

This editorial, evidently written or inspired by Bailey, in the Houston Post of April 8th, 1900, was the beginning of Pierce and his crowd to mould public opinion through a subsidized press so as to enable the oil trust to continue its depredations on the people of Texas. The subject-matter of this editorial, it is said, was run in a considerable number of the smaller papers of Texas as "paid matter."

COMMITTEE RESENTS NEWSPAPER CRITICISM.

MR. F. T. ROCHE

a fearless and independent newspaper man of Georgetown, Texas, was dragged before the Committee on a charge of contempt and on pages 568-569 (Bailey Invest. Com. Report, 1907), will be found the following proceedings:

MR. F. T. ROCHE

recalled and examined by Mr. Wolfe, testified as follows:

Question. In the Williamson County Sun of date January 31. there is an article headed, "That Bribery Charge."

Answer. Yes, sir.

Q. (Reading): "Both houses of the Texas legislature are agitated over a telegram from Austin to Hearst's New York paper alleging that improper means, bribery, etc., were used to secure Bailey's re-election, and have appointed committees to ferret out the author of the dispatch, and haul him up for punishment. Of course, nothing will come of it, *but if the members by their action hope to avert suspicion from themselves they are mistaken.* In Austin and out of Austin there is talk of corruption and there are not a few who believe it. There was a time when the Duncan resolution had a clear majority in the House, *but within a few days that majority was turned into a minority and a substitute that is more of a defense than an accusation was adopted.* That made the people suspicious, and when on top of that both houses insisted upon an election in advance of an investigation they had themselves ordered, thereby practically acquitting the accused before a word of evidence had been adduced, *they gave cause for more suspicion.*"

Q. Do you know of anyone who pretends to know of any money being used?

A. Yes, sir.

Q. Who?

A. A stenographer named Mercer—Miss Mary Mercer; she did not say she knew of money being used; she said she heard it being discussed.

The Chairman: You need not give what she said; she can testify for herself. Miss Mary Mercer?

A. I think that is her name, yes, sir.

Q. She lives here in Austin?

A. Yes, sir.

Mr. Wolfe: You had a talk with her before you wrote this article?

A. Yes, sir.

Q. And on her talk you founded your article in part?

A. In part, yes, sir.

Q. There is another expression in here, it says: "The legislators need not rave and rant over what Hearst's man said about them, *for some of their own number are just as suspicious as outsiders.*"

Q. Can you name those members?

A. I can, but I won't.

Mr. Jenkins: What pertinency has that?

Mr. Wolfe: There is a charge of lobbying here for the purpose of influencing action.

Mr. Jenkins: That is all right.

A. I would like to ask you how you got that paper; who gave it to you?

Mr. Wolfe: I got this—I am not on the witness stand, but I don't mind answering your question—I got it down in the House of Representatives.

A. From a member?

Q. I got it from a member but not from a member from Williamson county.

Mr. Robertson: I am in the House and a member from Williamson county, I would like for you to state that you did not get it from me.

Mr. Wolfe: No, sir; I did not get it from you.

Q. Who are those members that you refer to, Mr. Roche, here?

A. I don't choose to tell, to violate a confidence.

Q. Did some one tell you something that you mean to say had lead you to believe that some member here has received money to vote in this contest?

A. Not directly, no.

Q. Well, has any one told you indirectly anything that he knew that caused you to believe that charge?

A. Yes, sir.

Q. Who was that party?

A. I won't tell.

Q. I insist on you telling.

The Chairman: You will have to answer the question; it is a very serious one.

A. It is not a charge; no one told me any such thing as that, just said they were suspicious.

Mr. Wolfe: Who was the man who told you that? I insist on your telling.

The Chairman: Just tell the party who made the statement; you need not tell what he told you.

A. I decline to do that.

Mr. Wolfe: I insist that if any—if Mr. Roche knows of any member being bribed he ought to tell it, but he says that he does not know.

A. I will go further than that and say that I don't know it either.

The Chairman: You will have to stand aside for the present, and *and we will finish with you in the morning*; we want to examine some other witnesses now.

I would like to state to the Committee that I derived my information from the newspaper reports, principally from the Houston Post.

Q. From the Houston Post?

A. Yes, sir.

Q. *Shall we investigate the Post, Mr. Chairman?*

SAN ANTONIO GAZETTE CHARGED WITH CONTEMPT.

Although the Bailey partisans of the Suppression Committee of 1907 frequently complained of the expense caused the State by the proponent of the charges asking for witnesses with which to prove Bailey's guilt, they did not hesitate to incur witness fees *when they wanted to castigate some newspaper men* for criticising *this most contemptible set of petty partisans*. On pages 569-570 of the Committee Report will be found the following:

JOHN ALDEN

called as witness, sworn and examined by Mr. Wolfe, testified as follows:

Q. (handing witness a newspaper): Look at that, please, and say what it is.

Mr. Jenkins: *I would like to know what connection that has with this investigation?*

Q. Mr. Wolfe: Did you write that article?

A. No, sir.

Q. Who did?

Mr. Jenkins: I object.

A. I will tell you who is responsible for that article—the managing editor.

Mr. Wolfe: No, no; I want to know who wrote it.

Mr. Jenkins: I object.

Mr. Chairman: *I overrule the objection.*

Mr. Wolfe: Who wrote it?

A. The man in charge of it was S. W. Johns.

Q. Do you know who sent a copy of it to the Committee?

A. No, sir.

Q. There was a marked copy sent to the Committee.

A. Yes, sir.

Q. But you don't know who sent it?

A. No, sir.

AN AMUSING INCIDENT.

On page 389 of the Committee Report will be found the following proceedings, which are calculated to call forth a smile of amusement, as illustrative of the temper and partisanship of Bailey's tools:

In re Mr. Norcross.

The Chairman: There is a gentleman in the room who is a stranger here. I do not know—*of course, these meetings are not supposed to be to the public and I would like to inquire before we proceed further.*

Mr. Cocke: I never saw the gentleman until this morning. He is a Mr. Norcross, representing some New York paper.

The Chairman: *Is that the paper that gave this Legislature the write-up about wine, women and money?*

Mr. Norcross: That is what I have been told; I have never seen the paper.

The Chairman: *So far as I am concerned, I do not think you are a proper man to be in this committee.* I will let the committee pass on that. He is a representative of some paper, the paper that gave this Legislature the write-up about wine, women and money. He is not reporting anything, *but walks into the house. Now, the question is, is he entitled to sit here?*

Mr. Jenkins: Don't our rules admit the representatives of the press?

The Chairman: Of the State press.

Mr. Cocke: I have seen Mr. R. M. Johnson here and I understand he is summoned as a witness and he is not reporting. I never met the gentleman until this morning.

The Chairman: I object to any man being here that is the representative of a press that will charge this Legislature with being bribed by wine, women and money. The man that made that charge has falsified and slandered this Legislature *and I do not want to sit in the room with one of his representatives. That is the charge I make.*

Mr. Jenkins: This gentleman may be in nowise responsible for it, and neither may the paper that published it.

The Chairman: That is the matter that I am inquiring into.

Mr. McGregor: It does not affect this gentleman at all if he is a member of the press. I want to go on record as letting him stay here. I will agree with the Chairman as to it being absolutely false and without foundation, but as to this man, if he a member of the press and it is not proven that he is responsible for that—

Mr. Chairman: I just want to call your attention to it and express my feeling.

Mr. McGregor: If he wrote the article I think he ought to be proceeded against.

Mr. Jenkins: I do not think we ought to take any ex parte action, if he is a representative of the press. Unless he is the man who sent that telegram I do not think it is any of our business.

HOUSTON POST ON BAILEY IN 1893.

R. M. Johnson was editor of the Houston Post in 1893 as he has been since. The following caustic and critical estimate of Mr. Bailey appeared as an editorial in the Houston Post in 1893. Mr. Bailey had no rich clients then to serve and no Trust Masters with whose money *he could purchase and subsidize any part of the press.* The editorial is as follows:

"Representative Bailey of the Gainesville district, who claims the honor of being the youngest member of Congress, seems to have permitted his temper to get the better of his judgment.

"Mr. Bailey pressed the claims of a candidate of his own choosing for a federal appointment, and because the president elected to appoint another man instead of Mr. Bailey's choice, the young Congressman from Gainesville concludes that the administration intends to discriminate against Democrats who favor free coinage of silver.

"But Mr. Bailey's displeasure is not with Mr. Cleveland alone. He takes a tilt at Senator Mills, whom he charges with having evinced a willingness to support the president, right or wrong, without regard to his own convictions. This being so, Mr. Bailey, who apparently regards the distribution of the flesh-pots as the highest duty of the executive and the members of Congress, thinks it could hardly be considered strange that Senator Mills should be able to control Texas appointments. It may be that this estimate of Mr.

Cleveland and Senator Mills is merely a reflex of the callow Congressman's estimate of himself. Mr. Bailey says: 'I will be glad to support the recommendations of a Democratic president whenever I can do so consistently with my sense of duty to my constituents.' Some of Mr. Bailey's constituents are populists, and they have claimed him as being of their faith and entitled to admission to their political household. They have even gone so far as to publicly endorse him in one of their party assemblies, and would no doubt approve his support of the recommendations of a Democratic president so long as he could do so consistently with his sense of duty to his populist constituents. However, Mr. Bailey, like the brilliant but erratic young Nebraskan who threatened to leave the Democratic party because it is so much larger than he is, probably has no idea of sacrificing either his political convictions or his political prospects. Some allowances must be made for his youth and inexperience, and that testy temper, which may be subdued by ripper years and garnered wisdom.

"It may be unfortunate for Mr. Bailey that he can not control the distribution of federal patronage, as well as the policy of his party, *but it is even more unfortunate that he can not control an overweening ambition to push himself forward at all times and under all circumstances, at the risk of making himself ridiculous.*"

HOUSTON POST, SENATORS BAILEY, ALDRICH (OIL-RICH) AND A SUBSIDIZED PRESS.

We are indebted to the Dallas News of January 20th, 1908, for the following significant indictment of the Houston Post and its gymnastic proclivities:

The Houston Post seems to have undergone a change of view with reference to the Aldrich bill. On January 9th it insisted that "the Aldrich bill providing for the issue of emergency currency to National banks ought to be labeled a bill to relieve the stock-jobbing banks of New York" * * * "The Wall street banks will get such benefit as the measure provides, if, indeed, it provides any benefits at all." On January 11th the Post declared unconditionally that "the Aldrich bill ought to be defeated." On January 12th the Post added that "it is not strange that the representative press of the North severely condemns the Aldrich bill." * * * "The bill is quite in keeping with the Rhode Islander's statesmanship. *He is a Senator of the interests located in the financial district of New York, and has never exhibited any concern for anybody else.* There is but one thought in the Aldrich bill, and that is to enable the Stock Exchange banks to obtain currency in time of stress." * * * "It will be damned in the eyes of Republicans and Democrats alike before it reaches the White House."

The Post of January 18th takes a decidedly more friendly view of the Aldrich bill. It no longer contends that it will "be damned in the eyes of Republicans and Democrats alike before it reaches the White

House." *It does not believe in fighting it any more, but now holds that it will surely "become a law."* This contemporary now says: "In this connection it is pertinent to remark that there seems to be a manifest disposition on the part of Democratic members of both houses, of whom Senator Bailey is the most conspicuous, to aid as far as lies in their power in making the bill under consideration (the Aldrich bill) as effective a measure of that nature as possible, recognizing that the Republicans have it in their power to pass it in any form they may choose. Negative opposition for mere partisan advantage sometimes defeats the very purpose for which it is invoked and the Democratic minority will do well to avoid such mistakes in the present Congress." *Obviously the Post now believes that it will not "be damned," that it will pass; that it should not be hindered; that it should be helped along."*

Referring to this same bill, the New York World declares that it "would work mainly to the benefit of Wall street gamblers." * * * "Wall street promoters need only to print bonds, lobby at Albany, to get them on the list of securities permitted to savings banks, make a 'market price' by wash sales, secure permission to deposit them in Washington, and issue in 'money' 75 per cent of their artificial value." The World said that "Senator Aldrich's bill should be entitled, '*An act to facilitate stock gambling.*'" The World has not modified its contention, *but still insists that Democratic Senators should leave off coquetting with Senator Aldrich, the Standard Oil Senator, and his sort, and should stand together and fall together, if they must, in a sturdy contention for the bill presented by Senator Culberson.*

A FEARLESS PRESS.

In spite of the great harm done Texas by the Houston Post, the Fort Worth Record and the Austin Statesman in their subsidized news columns with reference to this whole Bailey controversy, nevertheless the people of Texas are indebted to such independent and patriotic organs as the Houston Chronicle, The Dallas-Galveston News, The Dallas Times-Herald, The Waco Times-Herald, The Texas Farmer, and many other newspapers, including the Texas Weekly Press, for their fearless, independent and patriotic efforts to present to their readers fair and impartial news items. Except for this latter fact, the Suppression Committee at Austin, in 1907, would not have permitted near as many of the facts developed as were exposed.

In marked contrast to the Subsidized-Standard-Oil-Press of Texas, is the following editorial from the Texas Farmer, of April 11th, 1908:

THE GREAT "I AM."

The campaign now raging in Texas is unique and without precedent in the political history of the United States. It is an inspiring and hopeful one. On one hand we see the honest, patriotic people of Texas, spontaneously, on their own initiative, aroused to noble effort

to relieve the people from the vulgar tyranny of political brigands. On the other, we are disgusted with the nauseating spectacle of a tainted and tattooed politician mounting the stump, admitting the truth of every charge made and proven against him, and endeavoring to break the force of the truth, shouting:

"I, and I alone, am the only great man that Texas or the world has ever produced in this century. There is no other besides me; and although I have done the things charged against me, yet I am so great and such an able man that Hearst and others have conspired against me in order that such tremendous greatness shall no longer figure in public life."

This is a proper interpretation of his egotistical rant. The annals of political warfare and all the history of public men will be ransacked in vain to find an equal to the sickening impudence of Bailey and the blind servility of his followers.

BAILEY "THE HEAD DEVIL."

Bailey, the head devil of them all, not only refuses to meet his opponents in joint debate, but has issued orders that none of his slaves shall publicly discuss with his opponents the great question now before the people of Texas. In addition, he shamelessly claims, as the party nominee, that he should be exempt from all attack. He knows—and every man, woman and child in the State of Texas knows—that when he was nominated in the primary in July, 1907, every man who voted for him, and not in corrupt league with him, was in utter ignorance of his employment by Pierce; and of his identification with men in numerous criminal enterprises. - Nor did one of them ever dream that the name of Bailey was on the cipher code of the Standard Oil Company and its subsidiary corporations under the title of "republican." Then to crown the climax of his impudence, he and his slaves charge that the opposition to him and to his crimes was created, organized and led by "bolters." He has falsely charged that Honorable Geo. W. Riddle, chairman of the Anti-Bailey Committee, was and is a bolter, and was a McKinley Democrat. Mr. Riddle never scratched a Democratic ticket in his life.

CLARENCE OUSLEY AND STANDARD OIL.

The chairman of the Bailey Campaign Committee, Clarence Ousley, editor of the Standard Oil Bailey organ, the "Fort Worth Record," in green back times is said to have run for the legislature on the green back ticket. In 1896 Ousley was editor of the "Galveston Tribune" and controlled the editorial department of that paper. In that year and that campaign, it is charged that Ousley editorially advocated McKinley for the presidency and Hawley for Congress, in opposition to the Democratic nominees. We now ask Ousley if in the election of 1896 he did not vote for the McKinley electors and Hawley for Congress?

There resides in the city of Dallas a gentleman who in that fight

was connected with the Galveston Tribune, and who says that by the direction of Ousley he collected a draft for \$250.00, given by the chairman of the Hawley Campaign Committee; that the Galveston Tribune also received a check from Hawley for \$250,000, drawn on the sergeant-at-arms of the House of Representatives, all which was credited to advertising account. Of course that Ousley was a green backer or that he supported Republicans, and that his paper got paid for it, cuts no figure in this campaign against Baileyism. But is it not gall that with this sort of record behind him he loads down the columns of his paper, the Standard Oil organ, and Bailey's organ, with wrathful denunciations of bolters. Is it not monumental brass unequaled—unless it be the false charge of Judge Matchless Brooks that "Attorney General Davidson is an imbecile." This latter charge from such a quarter is certainly unapproached for impudence in all history, sacred or profane.

ANTIDOTES FOR BAILEYISM.

Patriotism is the opposite of traitorism; the patriot sacrifices himself, the traitor his country.—*The Author*.

It is a miserable thing to live in suspense; it is the life of a spider.—*Swift*.

No act falls fruitless; none can tell how vast its powers may be; nor what results, enfolded dwell within it silently.

The blossom cannot tell what becomes of its odor, and no man can tell what becomes of his influence and example, that roll away from him, and go beyond his ken on their perilous mission.—*H. W. Beecher*.

No man is hurt but by himself.—*Diogenes*.

Oh, he is fallen into a pit of ink that the wide sea hath drops too few to wash him clean again!—*Shakespeare*.

The patriotism of peace teaches the doctrine of universal brotherhood and condemns the doctrine of hate. Love is heavenly! hate is hellish.—*The Author*.

There is an insolence which none but those who themselves deserve contempt can bestow, and those only who deserve no contempt can bear.—*Fielding*.

Nothing dies so hard, or rallies so often as intolerance.—*H. W. Beecher*.

To be perfectly just is an attribute of the divine nature; to be so to the utmost of our abilities, is the glory of man.—*Addison*.

The worst of all knaves are those who can mimic their former honesty.—*Lavater*.

Slow and painful has been the progress of the race, individually, nationally, universally, from the tyranny of selfishness to the freedom of an unselfish patriotism; from the characteristics of animalism to the attributes of divinity.—*The Author*.

There is nothing seems so like an honest man as an artful knave.—*C. Simmons*.

A willful falsehood told is a cripple, not able to stand by itself without another to support it. It is easy to tell a lie, but hard to tell only one lie.—*Fuller*.

The great fact is, that life is a service. The only question is, "Whom will we serve?"—*Faber.*

Our life is like Alpine countries, where winter is found by the side of summer, and where it is but a step from a garden to a glacier.—*Richter.*

Life, like the waters of the seas, freshens only when it ascends toward heaven.—*Richter.*

The triumph of the highest type of enlightened patriotism is the triumph of breeding above boorishness, of culture above coarseness, of refinement above ruffianism, of right above might, of manhood above money, of patriotism above partyism, of "God above gold."—*The Author.*

Assertion is the logic of ignorance and prejudice; argument, the logic of wisdom and truth.—*Tryon Edwards.*

What brutal mischief sits upon his brow! He may be honest, but he looks damnation.—*Dryden.*

Of a great and wise statesman it is said, "that he can hold his tongue in ten different languages."—*Anon.*

On the soft bed of luxury most kingdoms have expired.—*Young.*

Sedition is bred in the lap of luxury.—*Bancroft.*

All politicians are not patriots, just as patriots and statesmen are never politicians in the common acceptance of the latter term. A patriot serves his country; a politician, especially a grafting politician, serves himself.—*The Author.*

He who has not a good memory should never take upon him the trade of lying.—*Montaigne.*

Lying is a hateful and accursed vice. We have no other tie upon one another, but our words.—*Montaigne.*

The most intangible, and therefore the worst kind of a lie, is a half-truth.—*Washington Allston.*

A lie that is half a truth is ever the blackest of lies.—*Tennyson.*

Sin has many tools, but a lie is the handle that fits them all—*O. W. Holmes.*

CHAPTER XXVI.

BAILEY PLEADS GUILTY IN THREE DAYS' HARANGUE.

After having *refused* to take the witness stand throughout the entire investigation and after Odell had demanded (p. 824) "the benefit of their testimony [that of the attorney general and his assistants] before proceeding with the introduction of their evidence," J. W. Bailey was put through the formality of an oath and his three days harangue will be found covering almost 200 pages of the report of the Committee of 1907 (pp. 825-997). In the course of this so-called testimony, which was more in the nature of a plea of confession and avoidance, Mr. Bailey orated and argued and denounced "his enemies," in the most violent and vindictive fashion. His counsel would manage to get in a word here and there by which they sought to lead him away from the most dangerous questions of fact.

The witness J. W. Bailey (continuing p. 826): I located in Gainesville, Texas, June, 1885, and was nominated for Congress, I think in, August, 1890. * * * I was elected to the United States Senate in January, 1901, and took my seat on the 4th of March, 1901.

The first distinct recollection I have of acquaintance with Governor Francis was in the early part of December or latter part of November, 1891. I was on my way to Washington to enter upon the performance of my duty there. [They did not become sufficiently intimate, however, for Bailey to begin to negotiate "loans" with Francis until the latter became a lobbyist for millions of appropriations to the St. Louis Fair, in which Francis was interested. The first loan that Francis made Bailey was in 1899 and the next deal was the \$100,000 Gibbs Ranch purchase. At that time Bailey was minority leader on the floor of the lower House and Francis was seeking \$10,000,000 from the public treasury.] * * *

GIBBS RANCH MATTER.

I told him [Barnet Gibbs] I thought I could make the trade one way or the other. I went on to Washington and I do not remember seeing Gibbs again, although I had correspondence through the winter with him about it until I came back to the State to begin my campaign for the Senate, which, I think, was in March, 1900, but whether I saw him or whether I corresponded with him, I had in the meantime obtained a written option. That written option was obtained *after I found that I could utilize this Francis land.*

Q. Now, Senator Bailey, if you will permit me to interrupt these negotiations with Governor Gibbs, which you have detailed and at that time secured this written option of the Gibbs ranch, did you or not at that time know Mr. H. C. Pierce?

A. Oh, no, no, sir; I had no acquaintance with him at that time at all.

Q. Had Governor Francis at that time ever mentioned to you the name of H. C. Pierce?

A. No, sir. No, I do not think so. I presume I had heard of Pierce as I would hear of any other business man and men connected with an important enterprise, but I know perfectly well that I never met him, and I know perfectly well I never had any conversation about him up to that time.

I went there [to the Gibbs ranch] and looked over the cattle and horses and mules and hogs and everything else in March. He was with me. He met me at Farmers' Branch, as I now recall, and we went out there and spent the night. I must have reached there, coming down from Gainesville, about 1 or 2 o'clock, and we went out to the place and spent the balance of that evening looking around, and we spent the next morning until just time to get back to Farmers' Branch and catch the same train back to Dallas, and I closed the trade with him. * * * I arranged to take up that mortgage [the mortgage for \$10,000 on the cattle and horses] and I put a mortgage for \$15,000 on the cattle alone. I negotiated that mortgage at the Merchants-Laclede National Bank of St. Louis. *I did it through Governor Francis.* * * * *The fact of it is I have borrowed money so often and from so many different people that I am not so sure about these items and persons.* I have the advantage of a great many people though that when I borrow it I always paid it back. [Then the books of the Waters-Pierce Oil Company and the testimony of his own witnesses bore false evidence against this spotless Senator, for they all showed that his loans from the Waters-Pierce Oil Company *were never repaid but charged to profit and loss.*] * * *

I have 1,280 acres of it left and there is a balance due the Texas Land & Mortgage Company of \$13,000 on it. [At \$50 per acre this remaining land would be worth \$64,000.]

His [Francis'] land was returned to him and he never made a dollar or lost a dollar. [Francis testified that it cost him \$800 to clear up his land of tax suits into which it had fallen during Bailey's manipulation of the title and that he simply lost that money. He also received no interest on the \$20,000 valuation of the Pecos county land for two years.]

The witness Bailey (continuing p. 832): I made something more than \$30,000 out of it and if I had been able to have held it, as I might have been able to do if this political controversy had not arisen, I would have made a good deal more.

FRANCIS, BAILEY AND THE ST. LOUIS WORLD'S FAIR.

The witness Bailey (continuing p. 835): Governor Francis never discussed any question of legislation with me, and never sought my intercession in any matter at any time, *except the World's Fair proposition at St. Louis.* [And that is when Bailey began to use Francis for his banker;] * * * So far as any legislation is concerned or so far as any action before the Government is concerned I

never discussed any matter of that kind with him, and he never sought to discuss it with me, *except with reference to the World's Fair.*

* * * It was while I was still in the House and therefore it must have been prior to the 4th of March, 1901, *and my impression is that it was some time in 1899 or 1900.* * * *

I had been opposed to the Government taking part in these expositions all my public life, and I was opposed to that one, the same as I had been to all the others.

[The difference was that Francis managed to buy off *his active opposition as minority leader*, to the St. Louis Exposition, for the reason that Bailey then possessed great influence and prestige *and had been very active in opposing the Chicago World's Fair.* Bailey boasted later on in his testimony that he kept Congress locked up two and one-half days to reduce the Chicago Exposition appropriation from five to two and one-half millions, whereas when Francis applied to Congress for ten million, having made Bailey some "loans," *Bailey found it convenient to be absent from the Committee when the matter came to its first test*, and if not absent he was at least simply paired with some member and raised not his voice against this appropriation of ten million dollars of the public funds. The author does not discuss the question of the propriety or impropriety, the merits or demerits of an appropriation as such, but simply points out *the subtle influences and changes that present themselves in Mr. Bailey's public career in connection with his private monetary dealings.*] * * *

I am inclined to think that I was paired when the appropriation of five million dollars passed the House. * * *

I think the record will probably show that I was paired—that I did not vote on it on account of my being paired. That was the last time, as I recall, that that matter was up for consideration in the House while I was a member of it. And the next time it was presented, it was after I had gone into the Senate. It came to us then in the shape of an application for a loan of four million, five or six hundred thousand dollars. * * *

*In some way Governor Francis and those people were under the impression that I had agreed * * * that I would make no special opposition to the bill*, but I had made no such agreement as that and had formed no such intention as that, so when the matter came up I resisted it with all my power, and I thought at one time I was going to beat it. [This was about four years after the Gibbs land deal had been consummated. In other words, Bailey was passive when it came to donating ten million dollars that had been given outright to the Fair, but made a semblance at consistency by pretending to oppose the loan of four million, five hundred thousand to the Fair. Being such a specialist in the "loaning" business it seems a little queer that he was less willing for the Government to loan Francis' enterprise four million, five hundred thousand, then he was to donate them ten million dollars outright.]

The witness Bailey (continuing, p. 836)—I think the fight lasted on the bill carrying the loan for four million, five or six hundred thousand dollars; I think the fight lasted probably over three days

and they finally passed it, as they have passed every one of these propositions since I have been there. * * * *That is about the only circumstance that ever occurred to mar my friendship with Francis during the fifteen or sixteen years that I have known him.* * * * [If Mr. Francis took offense in 1904 and their relations became strained, as Francis also testified, because Bailey pretended to oppose the loan to the Fair, the question naturally arises would Francis have bought the Gibbs ranch for Bailey in 1900-01 if Bailey had not passively acquiesced by his silence in the donation of \$10,000,000, to the Fair?]

I think, Mr. Odell, that must have been in 1904. * * * I never saw Governor Francis at Washington in Legislation in my life except this World's Fair matter. * * *

The witness Bailey (continuing, p. 850)—*I had a good many transactions with Governor Francis and used him as a sort of a banker for several years.* * * * I have been borrowing money from him ever since I knew him almost. [Governor Francis testified that he never loaned Bailey any money until 1899, although he had known him from 1891. Francis began to importune Bailey on behalf of the World's Fair early in 1899 and continued so to do for four or five years.]

BAILEY'S ATTITUDE ON THE CHICAGO EXPOSITION APPROPRIATION.

The witness Bailey (continuing, p. 891)—

I was not in Congress when the Chicago fair bill was passed, but I was there when they came for that five million dollars, and I resisted it. *I locked the House up there for several days.* I did not let them even approve the Journal, and finally I cut it down to \$2,500,000, which I could do under the rules of the House, and if the Speaker had not recognized them to make a motion to suspend the rules and pass the bill I would have beaten it, as the rules of the House then stood, but finally they cut it down to \$2,500,000 and the Speaker recognized some member to move to suspend the rules and pass the bill, and that motion prevailed. [In the year 1900 Bailey, although minority leader, was silent and paired when Congress came to act on the appropriation of \$10,000,000 to the St. Louis Exposition of which Francis was president. The latter, according to Bailey's own testimony, had been used by him as "a sort of banker" for Bailey. Bailey's bank account, however, was always overdrawn and the only deposit ever made *was his silence on this St. Louis World's Fair appropriation.*]

FRANCIS AGAIN SOLICITOUS FOR "MY DEAR JOE."

The witness Bailey (continuing, p. 864)—

I had a letter from Governor Francis [In July, 1906] telling me that there was some talk about a representative of Hearst's Chicago newspaper being in St. Louis and trying to buy some documents that Gruet had, and he said he thought he ought to call my attention to it.

That was in July. I know it was in July, because I received the letter while I was in Gainesville. * * *

I wrote Governor Francis that I knew that they had no documents that could embarrass me before the world or before the people of Texas. I, of course, did not know what forgeries could be manufactured, *and at that time I had no idea that any of these transactions between Mr. Pierce and myself had ever passed through the Waters-Pierce Oil Company's books and I could not conceive what they could have*, only I knew they could have nothing that would contradict anything I had ever said to the people of Texas, and I so stated to Governor Francis and thanked him for calling my attention to it. [Bailey thought they could not "contradict" anything he had ever said to the people of Texas about the \$1,500 draft, but verily his sin has found him out.]

The witness Bailey (continuing, p. 938)—

I had many transactions with Governor Francis, and whenever I needed money I would get it from him, *and I frequently did it without telling him I was going to do it*. I frequently drew drafts on him and then notified him I had done it. His correspondence here will show that. And frequently when I wanted money I would make out my note for whatever I needed and enclose the note to him and draw a draft. Sometimes if I did not need the money immediately I would send the note to him and tell him to send me his check for it, or New York exchange, whichever I might desire. [And hath it not been written, "the borrower is servant to the lender?"]

The witness Bailey on cross-examination, p. 948)—

Q. Prior to that partnership horse transaction, had you ever borrowed any money from him?

A. Oh, yes. I knew him well enough and I had had transactions enough with him. [*Francis testified, however, that the "horse transaction" was the first dealing that he had ever had with Bailey and that was in 1899.*]

BAILEY MEETS "MY DEAR PIERCE."

The witness Bailey (continuing, p. 837)—At the close of the Senatorial contest in 1900, *I started back to Washington*. I received a telegram on the train from Mr. Pierce saying that he had a letter of introduction to me from the Honorable David R. Francis which he would like to present at my convenience at St. Louis the next day. [Bailey said nothing about this telegram from Pierce in his testimony before the 1901 Committee. His testimony at that time on this point was: "At St. Louis I met Mr. Pierce, president of the Waters-Pierce Oil Company, and who presented me a letter from D. R. Francis." Neither did Mr. Bailey tell the 1901 Committee that D. R. Francis had telegraphed him to come to St. Louis. He now admits it for the first time, *after Francis had testified to the fact a few days before Bailey took the stand*]

The witness Bailey (continuing)—I received a telegram from

Governor Francis that he would like to see me in St. Louis. I expect I had that telegram, may be on the 23rd or 24th of April, 1900. * * * I telegraphed him that I would be in St. Louis on my way to Washington, naming the time. * * * I left Gainesville on the 24th of April, 1900, intending to go through Kentucky enroute to Washington and intending to spend a few days in Kentucky. On the train—it was either at Parsons, or beyond Parsons, because I remember it was at night, *I received a telegram from H. C. Pierce* saying he had a letter of introduction from the Hon. David R. Francis, which he would be pleased to present me the next day in St. Louis at my convenience, or at such time and place, may be, as might be convenient to me. I went on to St. Louis. I did not reply to that telegram, it came at night. If it had come in the day I would have answered it, but it came at night and I did not answer it. The next morning when I reached St. Louis I went to the hotel and had breakfast and I inquired about where Mr. Pierce's office was *and I went there*. He presented me this letter of introduction from Mr. Francis, I read it. The letter stated that Mr. Pierce was in some complications with the state of Texas; that he, Francis, did not know what the complications were nor the merits of them, but that he knew Mr. Pierce and he would be glad if I would assist him in any way that I could and that I might deem proper. I read the letter and I said to Mr. Pierce, "What are your troubles, Mr. Pierce?" He said, "The State authorities"—or maybe he said, "The Attorney General of Texas is trying to drive my company out of business in that State." [Of course Bailey was entirely ignorant of the public history of the litigation that had been pending between the State of Texas and the Oil Trust for five or six years and he must needs inquire of Mr. Pierce *the nature of the latter's troubles in Texas.*] * * *

I then told him if that was his only offense [the making of exclusive contracts in restraint of trade, being as much of a breach of the anti-trust laws and making it a trust as much as if it had been shown to have been in collusion with the Standard Oil Company] while that was an offense against our law, and ought to be because it was an interference with wholesome competition, if that was his only offense, *he ought not to have any trouble in settling the matter with the State authorities.* He said, "Well, that is the only offense." * * *

I said to him, "Why, you ought not to have any trouble about this matter at all. Our people do not want to drive any legitimate business enterprise out of the State. They are determined, however, to compel every enterprise that remains in the State to obey the law." He said, "I want to do that. I have done business there for many years and I want no trouble." And there was further talk along that line, and he wanted me to come back here. I had told him as soon as I read the letter that Francis was a friend of mine and I would be glad to oblige him in any way I could that was possible and proper. He wanted me to come back. I told him no, I was going to Kentucky first and that I was then going back to Texas; that I had started to

Washington but I had received some telegrams that made it necessary, or at least desirable, for me to return to Texas upon a political errand, and that when I was here I would take the matter up with the Attorney General. *I told him the Attorney General was a fine man, and had a long time been a friend of mine,* and I would take the matter up with him, and that I would advise him upon this showing to compromise this judgment, allow this company to pay a fine commensurate with its offense against our law, *and to continue to do business in the State.* He thanked me and asked me what my charge was or my fee was and I told him "nothing." He asked me if I was not a lawyer and I said, "Yes, I am a lawyer, but I practice law and do not practice influence," and that I did not regard what I was going to say as a lawyer's service and, therefore, I was not willing to accept a lawyer's fee for it.

BAILEY AND SMITH.

My relations with Tom Smith were peculiar. They were close, and I was going to advise Tom Smith that I thought as a citizen of the State, as a Democrat, and as a friend of his, that it was a wise and proper thing for him to do to compromise this judgment, and I would not accept a fee for a service like that. I regarded what I was going to do as a friendly service, and not a lawyer's service, and, therefore, I declined to take a lawyer's fee.

BAILEY HIMSELF ASKS PIERCE FOR A LOAN.

Mr. Pierce and I talked along a little while and he urged again that I come back, and I said, "No, I am going to Kentucky. *I owe some money and I am going there to sell some horses to raise and pay this money.*" I told him it was important for me to come back and I said to him that I was coming back within a few days and probably within a day or two. Then I said, "Mr. Pierce, I may not" —I did not say this on his account—"I might not come back in a day or two," but on account of these political matters I thought it necessary for me to return without much delay and I said, "*I may not have time in Kentucky to dispose of these horses and raise this money.* I need the money, I ought to have had it a little while ago. If you will loan me this money I would count that a favor and I would be glad to take it and pay you back." *He said he would be glad to do it.* Asked me how much I wanted. I told him that I would want something like \$5,000 first and last. He said he would let me have it and he said he would get it for me at once. I said, "I want \$3,300 now." He let me have the \$3,300. He took my obligation for it. It was not exactly a note. It read this way:

"Received of H. C. Pierce the sum of thirty-three hundred dollars to be returned to him on demand."

*He gave me the \$3,300. I still went on to Kentucky. * * **

BAILEY RETURNS TO TEXAS.

The next day, which was 27th of April, I left Lexington and came back home. I won't say whether I came through St. Louis or I came through Memphis. I could come either way; but I am sure I must have come through St. Louis because I came to Texas on the Katy flyer and that, of course, starts from St. Louis. I left Lexington, Kentucky, on the 27th. I reached St. Louis on the morning of the 28th. I took the Katy flyer on the night of the 28th to come to Austin. The next morning—that train breakfasts at Parsons, Kansas, I took breakfast there and I went to the telegraph office and I telegraphed Stribling at Waco, and Radney at Waco to meet me at Hillsboro, and ride down to Waco with me. I did not intend at that time to get off the train at Waco. I was coming straight to Austin for a conference with Governor Sayers. * * *

When I arrived at Hillsboro, Judge Nelson Phillips met me at the train and told me that he had had a telephone from Stribling asking him to come to the train and explain to me that he was sick, was the reason he had not come there. Mr. Radney had not sent any message, although he was not there. So I continued on my journey and when I reached Waco I got out of the sleeper onto the steps and on the ground. Bob Henry was there and he said, "Get off and spend the night." I said, "No, I want to go on to Austin." He said, "You can go tomorrow, and we will talk things over here." I said, "Why is not Radney here?" Henry, as I recall, did not know that I had telegraphed for Radney at all. I went back into the sleeper and got my valise, probably had an overcoat and valise, and I got off and spent the night at Waco, talked with my friends over the situation, and being there, *I then talked with Henry and Thomas and Stribling about the Waters-Pierce Oil litigation there.* The first man I saw the next morning was probably Mr. Thomas, outside of Mr. Henry. I had been with him. And I spoke to Thomas about it and I told him that I did not know anything about the merits of the matter; I did not know anything about Mr. Pierce but at the request of Francis I had interested myself in the matter, and I would be glad to see it settled upon terms that were just and fair to the State, of course, and to the other parties, too. *I then talked with Mr. Henry and Mr. Stribling.* * * *

I think I left there sometime about noon that day and came to Austin. I got to Austin that night. *I went to the Driskill Hotel and spent the night.* [Honorable P. H. Clements of Goldthwaite says that Bailey apparently *slipped into Austin* over the I. & G. N. in the early morning of May 1st, 1900, *instead of spending the night of April 30th at the Driskill Hotel as Bailey testified.*]

The next morning after I had breakfast the first thing I did I came to the capitol and went into Governor Sayers' office. I had known him when we were serving together in the House of Representatives. We had been friendly. I sat down and I said to him,

"Governor, I have come back to Texas to see about a political situation that I understand has arisen here." He said, "What is that, Bailey?" I said, "Well, I understand that you and some other gentlemen—I named them—are arranging a program to stock the State Convention to make an expansion platform and to send an expansion delegation to the National Convention, or at least, to send a delegation which shall not include any of my friends to the National Convention." "*Why,*" he said, "*that is the first I have ever heard of it.*" [It is significant that Governor Sayers told Bailey that his, Bailey's, statement was the first he, Sayers, had "ever heard of it." Bailey, like Don Quixote of old was doubtless fighting windmills, but evidently there was method in his madness.]

He said there was not a syllable of truth in it, he had not been even consulted about such a program and if he were consulted about it that he would not be a party to it. He said, "You made your fight. You made it on the anti-expansion issue and you have won it and the people of Texas having decided it your way, I think it would be inexcusable to attempt to reverse the will of the people in the Convention." I said, "Very well, that is the end of it, because if these men can not have your help then they can not accomplish anything." When I went in there I had no thought of mentioning this Waters-Pierce Oil Company matter to him, because I had thought it was a matter for the Attorney General, but it occurred to me that it was a matter affecting the policy of the State and that it would be proper to take his opinion about it and I then brought the matter up and I said, "I want to know what is the policy of the administration about the settlement of these cases. [*Perhaps the political story furnished only a pretext for Bailey to inquire of the Democratic governor of Texas "the policy of the administration about the settlement."*]" * * *

I went out of the Governor's office and my recollection is I went into the Secretary of State's office and shook hands with Hardy and said something to him about it. My desire was, as it had been explained by me to Pierce, that they would issue a new permit to the company to do business and I had supposed up to that time that the judgment only affected the old permit. I did not talk with Mr. Hardy three minutes about it. I then went on into the Attorney General's office and met Tom Smith there and other gentlemen around in the office. * * *

I told him I had been into Governor Sayers and Sayers said that there was nothing to it. And then I said, "*I have come in here to talk with you about another matter.*" I then told him substantially what I had said to Thomas and Henry and Stribling at Waco, that I had no personal acquaintance with Mr. Pierce and I knew nothing about the merits of this litigation, but that Pierce had brought me a letter from Dave Francis, who was a close friend of mine, and I said, "*I would love to oblige Dave Francis just as I would love to oblige you, Tom, if you would give somebody a letter to me, and I want to see if you can not compromise this litigation.*" I then explained to him as

Pierce had explained to me that his company was not in a trust, and that it had been convicted only as he represented to me, of making an exclusive contract, I had not gone very far until he said, "Now, Joe, if I knew the Waters-Pierce Oil Company was not a trust company and if I knew it would obey every law that Texas ever makes, and if I wanted to allow it to continue business in the State, I have no authority to do so under the judgment of the court." He said, "Have you ever read that judgment?" I said, "No, I know nothing about the case." He turned over and took the judgment—whether it was a law book or whether it was a pamphlet I do not recall distinctly—and he handed it to me and said, "Now read it and tell me what you think about it." I read the judgment and *it was plainly a perpetual injunction against the Waters-Pierce Oil Company doing business in the State of Texas* and when I read it I said, "I do not think there can be two opinions about that, Tom. Your plain duty is to execute that judgment and you have no power to compromise." He said he felt that way and I did not discuss it any more with him. Then the first time I saw Pierce—and I think it was not until I went back to the hotel—* * *

BAILEY ADVISES "RE-ORGANIZATION."

I then went down to the tavern and told Pierce that the Attorney General was right in refusing to make the compromise; that under the judgment of the court he had no power to compromise it, he was afraid as a law officer, to accept it, and I also said to Pierce, "*if I were advising you, I would be afraid to continue with that judgment of the court in force, because my opinion is you have no right to continue business under that judgment, and the only thing left for you to do, and only lawful course open for you is to dissolve this offending corporation, organize you a new one, come into this State with clean hands and obey our laws, and if you do that, you will have no trouble with our people and with the officers of this State.*"

They asked me if I would speak to the parties at Waco. I said that *I had spoken to the parties at Waco* and they asked me some questions about it, and I told them I did not have much to say to them about it, I didn't know anything about it, and you all were coming down here, I didn't intend stopping there at all. As I said a moment ago, it was purely accidental. They asked me if I would go back there and I said I will, and I did go back there and talked to these gentlemen. I talked with Mr. Stribling, Mr. Henry, Mr. Thomas and Mr. Pierce. * * *

HENRY SHOWS STANDARD OIL TRUST AGREEMENT.

They talked it over—now this was on the second visit. Before Pierce had come there, or after I was there with Pierce, I talked with Mr. Henry again about the matter. * * * *He thought it was a party to the Standard Oil Trust agreement.* * * * He said, "I have got the old Standard Oil Trust agreement here and the Waters-

Pierce Oil Company is a party to it." I said, "*Let me see it.*" He got the old agreement down and that was the first time I ever saw the agreement in my life, the first time I ever read it. *I read it.* * * *

I found it divided the parties in the agreement into three groups or classes. One class was composed of corporations which were parties to it. Another class was a number of individuals enumerated that were parties to it; and the third class were a number of corporations with respect to which it was provided that any stockholder in those corporations might become a party to it. And after I read it through I said, "Bob, so far from this sustaining your contention, this is an absolute disproof of your contention and I have no doubt that is why Judge Brooke withdrew it from the jury. Well, he says, why?" "Well, I said, "If the Waters-Pierce Oil Company were a party to this trust, it would have been enumerated in the first class, the class of corporations that were parties to it, and the fact that it appears in the third class is a demonstration that the corporation was not a party to it, and that a majority, the men who owned the majority of the stock were not parties to it, but that is simply a provision that any stockholder, whether he owned one share or one hundred shares, might by depositing his stock, become a party to it. * * *

[Bailey's conclusions and his argument with Henry in favor of the Oil Masters was based upon conditions in 1882, eighteen years before the time that Bailey was making this specious plea for them. Even taking his construction, for the sake of argument, of the agreement, (representing the facts in 1882), it still remains true that Bailey should have taken notice that there was a connection between the two companies and this should have caused him to have fully inquired *into their connection in 1900*. In other words, between the years 1882 and 1900 all of the stockholders of the Waters-Pierce Oil Company might have transferred their holdings to the Standard Oil Company, so far as Bailey knew or could know from an inspection of the original Standard Oil Agreement.]

BAILEY PLEADS AGAINST "THE HUMILIATION OF A TRIAL" OF PIERCE.

There was something said about the criminal cases in the second conference. That was when Mr. Scott, I mean Mr. Thomas, Mr. Henry, Mr. Stribling and Pierce was there, and my view of that, my statement on that was that if they could convict Pierce, then I had no suggestion to make; that *if they could not convict him, then I hoped they would not subject him to the humiliation of a trial.* * * *

I went on back to Washington. * * * Wanted to get back to Washington and the performance of my public duty. [Why then did he linger about the offices of the Oil Masters in St. Louis, negotiating loans from them and return to Texas to exercise his 'influence' with the Democratic officials of our State? He himself told Francis that it was "influence" he practiced for Pierce and consequently could not charge Pierce a fee. Of course there was no harm in taking "a modest loan."] * * *

BAILEY RETURNS TO TEXAS BETWEEN JUNE 8TH AND 12TH, 1900, VIA ST. LOUIS.

I returned to Texas after the adjournment of Congress. Congress adjourned that year on the 7th of June. I left Washington the evening Congress adjourned. I went down to Kentucky. I stopped at Lexington, reaching there the morning of the 8th. I stayed there a day or two or three days. I was at home during banking hours on the 13th of June, and for that reason I know I must have been home on the 12th of June. If I had reached home on the 13th I could not have reached there until 6 o'clock—that is when the train arrives there—and consequently I know that I was there on the 12th of June. [Later on Bailey testified that he probably came through St. Louis on his return to Texas and from his own testimony it is evident that he was likely in St. Louis about the 9th to the 11th of June. That was the time that Finlay, doubtless, met him in Pierce's private office and told him that Pierce was out of town. Then it was that Pierce's famous telegram of June 12th, Bailey's \$1,500 draft of June 13th, the O. K.'d voucher by Johnson for \$1,500 on June 15th and Johnson's letter to Clark of June 16th, advising that he had arranged for the time being to satisfy Henry & Stribling, *followed in rapid and logical and chronological sequence.*] * * *

BAILEY DEFENDS RE-ADMISSION IN 1900.

Q. Senator Bailey, I wish you would explain to the committee now in your own way, what motive inspired you in the Waco State Convention and prior to the meeting of the Austin convention after these attacks on Attorney General Smith and other State officers, to make a defense of them with reference to the re-entry and the readmission, the re-entry of the Waters-Pierce Oil Company into the State, and the granting of the new permit.

A. I took a peculiar interest, because Tom Smith was my friend, personal and political, and I felt that he had done no wrong. I should have defended him if he had not been my friend, because he was a Democratic Attorney General and had been renominated by the people, the convention merely assembling to ratify that. [If it was Bailey's duty to defend the Democratic Attorney General for his favoritism to the Oil Trust in 1900, why has it not likewise been Bailey's duty to defend, instead of denounce, Attorney General Davidson, likewise a Democratic office-holder, for prosecuting the Oil Trust in 1906-97-98?] * * *

BAILEY BEHOLDS THE OCTOPUS!!!

The witness Bailey (continuing, p. 853)—

Q. When was your belief with respect to these matters [the connection between the Waters-Pierce and Standard Oil] changed?

A. After Mr. Rogers had refused to answer questions during the taking of testimony in New York and the matter was certified, as I

remember, to the court and the court held it up until the Missouri court decided whether they must answer, and then the attorneys in that case admitted on the record, admitted it, however, as I recall, for the purpose of that case, that this stock belonged to the Standard Oil Company of New Jersey.

Q. Now, about when was that, Senator Bailey?

A. Well, that was in the fall of 1905. I will go further and say that I had begun to doubt it a little earlier than that; there had been stories of some speculation in Wall Street touching the Mexican Central Railroad and the newspapers had printed that the Standard Oil Company had caught Mr. Pierce in a tight there and had squeezed him out and taken this stock away from him. I had heard these stories, and I had, of course, wondered whether they were true or not, but even when they were printed it didn't occur to me for a moment that if they owned them at the time, that they acquired it otherwise than as the newspapers had printed. I didn't know any better until this proceeding in New York.

Q. Well, now, after you got that information, *in your own way* what you did with reference to confirming the rumor and where you went and who you saw and what you said, and what they said.

A. Well, I was in Washington when this admission was made on the record, and I got on the train and went to New York, and I went to Mr. Pierce's office and told him I wanted to know the truth about it, and he told me that the stock stood in the name of a man named Van Buren, and I then asked him if Van Buren had acquired it in these speculations, and he said he had not, and I asked him who this man Van Buren was, and he said he didn't know much about him; and then I asked him why they made this admission, and he said that he believed that the Standard Oil Company owned the stock and that Van Buren didn't own it; that while it stood in his name he held it for them. Well, I expressed my opinion pretty plain to him, and that in the presence of some other gentlemen. Then I said, "I am going to learn for myself whether Van Buren owns this stock or whether the Standard Oil Company owns it, if I can." I asked one of the gentlemen [Why did he not say the general attorney of the Standard Oil Company, who according to Johnson's testimony, had met them at Pierce's office by agreement?] there to go with me to the Standard Oil Company, and we went over there and asked them about it. They told me that Van Buren owned it; I understand that there is a deposition here in this case that is pending at Austin in which one of the officers of the Standard Oil Company swears now that Van Buren owns the stock. I haven't seen the deposition, but I understand that it is true. Well, I expressed my opinion pretty freely to them about it.

BAILEY ABUSES (?) STANDARD OIL CROWD BUT STILL CLINGS TO "MY DEAR PIERCE."

Q. To what effect?

A. Well, Senator Odell, I rather doubt the right of a man to go into another man's office or house *and talk to him the way I did to them and go out and tell about it.* If the committee wants me to do it I will do it. *I told them I didn't believe a damn word they said, and I told them that I thought they all ought to be put in the penitentiary, and that I would help to do it.* I felt like I had been deceived about it, and I felt like everybody connected with it and owning stock was a party to the deception. I do not believe that any corporation which was owned or controlled by the Standard Oil Company could lawfully do business in this State. I venture that opinion with some little hesitation now, because the State authorities seem to think they can; at least, there are enterprises of that kind conducting business in the State and no suit has been brought against them, but that was my opinion. If I had known that the Standard Oil Company owned this stock, I would have said to Mr. Pierce in the beginning that I would not intercede and would not take part in it because I would have felt that I would be aiding an unlawful enterprise to operate here in evasion and in defiance of our laws, and the matter had given me a great deal of trouble in politics and in the State. I suppose if it had not been that it would have been something else, because my enemies are a pretty persistent lot, but still I felt like I had been brought into a good deal of political strife, when, if I had known the facts, I would never have had anything to have done with it, and would have at least escaped much that has occurred and that had then occurred. I felt as any other man would—very greatly outraged about it. I told Mr. Pierce what I thought about it also.

[But he has never felt sufficiently "outraged" to help the people of Texas convict Pierce of perjury. The question arises: Why was Pierce less guilty than the other Standard Oil people to whom Bailey said: "I told them that I thought they ought all to be put in the penitentiary, and that I would help to do it."]

PIERCE AGAIN MOLLIFIES AND CONVINCES JOE.

A. Well, when I upbraided Mr. Pierce pretty bitterly about having misled me about it, he said he told me the literal truth; that he told me that the Waters-Pierce Oil Company was not owned and controlled by the Standard Oil Company and that that was the truth; that while he believed they owned this Van Buren stock and thus owned a majority of the stock that they had never controlled it, and that his statement to me was the literal truth. And then he went on to say that he had conducted the business himself and had conducted it in conformity with the law, but, of course, that wasn't satisfactory to me, *because I had understood him to mean that the Standard Oil Company had no interest in it,* and then when I went to the Standard

Oil Company office and asked about the matter and they told me about Van Burn owning the stock and that they didn't, I didn't accept that statement, but I told them I didn't believe them when they said Van Buren owned it. They said, "I hope you believe what we say." I said, "*I don't believe a damn word of it; I believe you own it, and if you do I believe it is an unlawful enterprise and I hope the State will indict every one of you and send you to the penitentiary, and I will help to do it.*" I went back, then, to the Waters-Pierce Oil Company and they were a good deal—I mean to Pierce's office—and *Pierce and the others were a good deal alarmed and Pierce said, "If you do this you just help to destroy the Waters-Pierce Oil Company, and that is what certain people are trying to do."* And then I said, "Why, if you believe that, why don't you get out and make a fight against them, and if you make a fight against them, I will help to do it; that the ownership by the Standard Oil Company of this stock, if it owns it, is what renders it an unlawful enterprise." I ventured the opinion that the decision in the Northern Security Company case, that an officer who really wanted to protect the people against the Standard Oil Company could bring a suit and upon the authority of that case could eliminate the Standard Oil Company interest from it. *I said no more about it and went away.*

BAILEY'S EXTREME MODESTY.

I have recently heard some criticism that I had never, in any public speech or published statement referred to this interview, about what I said to Pierce and what I said to Archbold and others, and that is true. I never made any statement about it in any public speech or in any published statement; I have related that incident to a number of friends of mine in private conversation, but I did not refer to it in any public speech for the very reason that I indicated yesterday—a disinclination to make the statement to this committee—I very seriously doubt the right of any man to go into another man's home and upbraid him or assail him and then go out and relate to the public what he had said. If it be said that a man is absolved from that consideration by the thought that he was misled—and there is force in that suggestion—then I had another objection to it—I did not want to put myself in the attitude of coming to Texas and appearing to seek to modify the criticisms here against me *by telling how I had bearded these people in their den.* I felt that that would be considered more or less of a boast, or at least, more or less of an appeal to prejudice.

(Here the Houston band proceeded to fill the committee room with the martial strains of Dixie.)

Mr. Odell—I expect, Senator, you had better discontinue until they are through with the music.

A. Yes, sir; they are playing Dixie; I like that; *but I will say that I have never heard it played before when somebody did not applaud it.*

[Why should thoughtful Texans applaud this favorite Southern air when their most cherished ideals of Southern statesmanship had been shattered by this Southern Senator and his Senatorial toga besmirched by the foul breath, through the traitorism of its wearer, of the public enemies of the State? It has indeed been a sad ordeal for patriotic Texans and some mournful dirge commemorative of a public calamity would have been more appropriate to the occasion where a Southern Senator was being, for the second time, not investigated, *but whitewashed*. Is it any wonder then, that the strains of Dixie fell on unresponsive hearts?]

The witness Bailey (continuing, p. 943)—

Q. Was there any reference made by you to the conversation they had had with Pierce and the Standard Oil Company people in that connection?

A. No, sir, and I have mentioned that very seldom. I have mentioned it to some of my particular friends. [But never it seems where it would do the people of Texas any good. For his "particular friends" are men who have been indicted in connection with the Texas anti-trust laws, Rockefeller, Pierce, Kirby and Company.]

BAILEY AGAIN APOLOGIZES FOR WATERS-PIERCE.

The witness Bailey (continuing, p. 858)—

Sometime in 1903, may be 1904, the morning paper reported that the Attorney General [Bell] had filed a suit to cancel the permit of the Waters-Pierce Oil Company to do business in this State, alleging that the Company had failed to file its report or affidavit, as required by law. I read the morning paper and immediately after reading it—I was in one room of my office building and my secretary was in another—I did not finish the reading of the balance of the paper, but immediately after reading that statement from Austin I called my secretary into my room and dictated a letter to General Bell, tendering my services to the State, without cost, to assist in his suit to cancel the permit of the company and to drive it out of the State. I stated to him in that letter *that I was constrained to believe that there was some oversight or some mistake somewhere*, and that my belief was based upon the fact that the president or managing owner or officer of that corporation had assured me so positively and had repeated that assurance, too, that his company intended to obey our laws and to conform to our policies, *that I could not believe that they intended then to defy the laws.* * * *

I immediately wrote General Bell tendering him my services. [with an apology in advance and an explanation for the culprit.] I was influenced to make my tender of services by reason of the fact that I had advised the Attorney General [Smith] to let them back. [Was he not thereby disqualified from acting as an attorney for the State when he had heretofore admittedly advised with the litigants *on the other side?*]

BAILEY REFUSES TO ASSOCIATE WITH DAVIDSON ALTHOUGH THE LATTER WAS A DEMOCRATIC ATTORNEY GENERAL OF TEXAS.

Q. Well, during the political controversy, too, I recall something with connection with this suit or the proposed suit by Attorney General Davidson, of a letter you wrote him; do you remember the circumstances under which you wrote that letter and about when it was?

A. Well, after I returned to the State, the latter part of September, I wrote to General Davidson a letter—I did not tender my legal services to him and I did not want to be associated with him. I, however, did say that I felt constrained, by a sense of duty to the State to tender him my testimony to establish the fact that the manager of the Waters-Pierce Oil Company in coming back into the State had represented that it was an independent enterprise and free from the ownership and control of a trust. I had before that talked—

Mr. Poindexter—In that letter you mean you tendered your testimony?

A. I told him I would be glad to come to Austin whenever the case was to be tried, at my own expense, to testify to the facts within my knowledge. I will say that I did not tender my legal services to the present Attorney General of the State, as I had formerly done to General Bell, because I had already talked with him about assisting in this matter, and insisted if the case were to be tried that I was to assist. Instead of doing that—*instead of consulting me about it or advising with me as to the purpose*, he filed this suit simultaneously with a political attack made on me in Texas, and I believed then and I believe now that that suit was brought at that time as a part of a political program, and believing that, of course, as a self-respecting man, *I could not afford to associate myself with the Attorney General.*

BAILEY TALKS TO DAVIDSON BUT SHIELDS HIS CLIENT, THE WATERS-PIERCE OIL COMPANY.

Mr. Odell—Now, Senator, pursuing the inquiry a little further, did you at any time in the summer of 1906 or the spring of 1906 have an interview with Attorney General Davidson in Washington?

A. Yes, sir.

Q. About when was that?

A. Well, I can not fix the time. It was during the session of Congress. General Davidson was there. He did not call on me, but the papers stated that he was there to obtain information from the Bureau of Corporations as to the relation between the Waters-Pierce Oil Company and the Standard Oil Company, and I went to the hotel and called on General Davidson, and I told him I had noticed in the papers what he was there for—it did not then occur to me that he was avoiding me or that he had any idea of instituting this suit to assist my enemies—nothing was further from my mind. I told him

if the Bureau of Corporations did not furnish it at my request (many of the Departments will supply things at the request of Senators and Representatives that they deny to citizens, or even officers of the States), and if they would not allow him to have it upon his own request and would not allow me to have it on my request, that I would introduce a resolution in the Senate and ask for the information. [*Very accommodating indeed was Joe and very solicitous for the people of Texas in their fight with the Oil masters.*] He thanked me and said that the Commissioner of Corporations had been very courteous and had laid before him all the matters. *I noticed that he did not tell me what the matters were*, but I did not attach any significance to it at that time. *I could go to where we stood—go within six feet of the place where we both stood.* It was against an iron railing in front of the New Willard Tavern there. I don't think Attorney Davidson was stopping there, however, as I recall. We had walked up the street, probably from the Raleigh—it might be he was stopping at the New Willard—anyway I know where this conversation happened. I said to him then, that when he got this matter in his mind, if he could prove the ownership of this stock by the Standard Oil Company, I would be very glad to assist him in the case. I told him, though, that unless they could prove it I did not want to take any part in it, because I knew if I was in the case and the State lost it, these blanks, blanks would say that I butt in there for the purpose of protecting this corporation against the justice of the State.

[According to Bailey's own statement that conversation occurred during the summer of 1906. According also to his own testimony and that of J. D. Johnson, he, Bailey, discovered the exact connection between the Standard Oil Company and the Waters-Pierce Oil Company through Pierce and through the Standard Oil officials themselves in 1905. Yet he said nothing to Attorney General Davidson about the fact, *but on the contrary concealed the fact of his own personal knowledge, through their admissions. This proves by Bailey himself that his double dealing and deceitfulness were of the very deepest water.*]

The witness Bailey (continuing, p. 861)—

He [Davidson] was very pleasant about it, and I understood him as assenting to my proposition, that my political enemies would lie about me if I got into the case and the State lost it. I knew they would lie about me because I knew they had been doing it, and he seemed to assent to that proposition; at any rate, when I parted with him I said to him that *I would be glad for him to keep me advised* and anything I could do there—the question then was whether they could prove that the Standard Oil Company owned this stock or whether this stock really belonged to this man Van Buren. [Johnson testified that Pierce told Bailey frankly in 1905 that he had deceived him (?) and that he, Johnson, had felt all along that they should have told Bailey even before that time of the fact that the Standard Oil Company did own the Van Buren stock, *amounting to*

68 3/4 per cent of the entire stock of the Waters-Pierce Oil Company.]

Mr. Odell—Well, the next—

A. I want to say about that. I think we also considered the question of the law—I know we did, in fact as to whether if we proved the ownership of this stock by the Standard Oil Company instead of that Van Buren owned it, whether the bare question of the ownership of the stock constituted an offense against our anti-trust laws. I remember distinctly to have suggested to him that we did not have the same situation in Texas that they had in Missouri, because unless they could prove that the Standard Oil Company owned the Texas Oil Company or the Guffey Refining Company, that we could not prove that they were competing companies in Texas, owned by the same interests. [*He has always been looking for excuses and arguments in favor of the oil interests and against the State of Texas.*]

I told him that I thought he would find that both the Guffey Company and the Texas Company were engaged in the business of oil merchandising. They were originally organized as refining companies, but both of them had established stations over Texas, and at these stations they were selling oil at retail, thus competing against the Waters-Pierce Oil Company. [*He seemed very familiar with the oil trade and the competitors of the Waters-Pierce Oil Company.*] and that if we could prove that the Standard Oil Company controlled them and also controlled the Waters-Pierce Oil Company, then we would have the same case against them in Texas that they had made out in Missouri. After some further talk along that line, I said, "Good night" to him and went away. I would not be positive, but I think I invited him to come to the Senate the next day and lunch with me. *He did not come.* [Is it any wonder that the Attorney General "did not come?" If he had followed Bailey's example of bowing down to the golden calf and negotiating "loans" from the oil masters, we would have never known of Bailey's secret transactions.

BAILEY WRITES DAVIDSON AND LIGHTFOOT, JUNE 21, 1906, IN AN EFFORT TO SIDE-TRACK THEM.

The witness Bailey (continuing, p. 862)—

Q. I wish you would read that letter to Mr. Lightfoot, Senator, please, sir.

A. This letter is dated Washington, June 21, 1906. "Hon. Jewel P. Lightfoot, Austin, Texas. My Dear Sir: Yesterday a gentleman told me that some one had represented to you that either I had given my notes to the Waters-Pierce Oil Company or that the Waters-Pierce Oil Company had given its notes to me, and that the transaction had some connection with the readmission of the Waters-Pierce Oil Company to Texas. It is immaterial whether this party stated I had given my notes to the Waters-Pierce Oil Company or it had given its notes to me, because either statement is absolutely false. I have never received any note from or given any note to the Waters-

Pierce Oil Company, nor have I ever received any money from it or paid any money to it. I am sending a copy of this letter to Attorney General Davidson. Very truly yours." And on the same day here is a copy of a letter to Attorney General Davidson, dated Washington, D. C., June 21, 1906, addressed to Honorable R. V. Davidson, Austin, Texas. "My dear Davidson," it reads, "Herewith enclose you a copy of a letter to Mr. Lightfoot which will explain itself. Very truly yours."

Q. Did you ever have any reply to either of those letters?

A. Never. * * *

I am probably the only man who has served in Congress for sixteen years and who has occupied my position, who has never made a speech in New England. I have never been there but once. I went to Hartford once to see about a matter of business for a friend of mine, and I am a little surprised that they haven't put that in this investigation too. ["A guilty conscience needs no accuser," and from the above remark it is entirely likely that the transaction referred to would have formed the basis of a proper charge.]

BAILEY COLLECTS \$40,000 FROM "MY DEAR PIERCE."

The witness Bailey (continuing, p. 947)—

Q. Now, have you any objection to stating the extent of your dealings with Mr. Pierce, when your dealings began,—that is, what money you borrowed from him, what money he has paid you, and for what purpose?

A. I do not remember every transaction I had with Mr. Pierce. Mr. Pierce has probably paid me anywhere from \$25,000 to \$40,000 in the last five or six years for various things I have done for him.

Q. Now, taking them up in their order, in 1900 you did nothing for him?

A. No, sir.

Q. For which you received any compensation?

A. No, sir.

Q. That was the year you went over to New York?

A. If it is of interest to the Committee, I will get my book. [*But he did not produce his books nor any of his papers, although they were demanded of his attorneys in writing.*]

Q. Have you it here?

A. No; I haven't it here any more than you have yours, and any more than you could tell all the matters to which you have given your attention as a lawyer in six years.

A. Well, just so much as you are able to recall.

Q. I have detailed all of this at length. They are the matters that are called to my attention. If I undertook to tell you all of them, and I told you four-fifths of them, and left out the other one-fifth, then somebody says, "Bailey did not tell about this," and consequently, I am not going to take any such chances as that.

Q. Well, up to November of that year you had no further tran-

sactions? You had no transaction with Pierce in which he became indebted to you for anything in 1900?

A. No, sir; I do not think I attended to anything for Mr. Pierce in 1900. I am reasonably sure I did not, because his first offer of employment to me, as I now recall it, was an offer to employ me as his special counsel. * * *

Q. Now, had you received any demands from Mr. Pierce to repay the money that you had borrowed?

A. I had not; no, sir. He never said a word to me about it. * * *

Q. Well, you say you gave Governor Francis the items and told him the amount to send, which was \$4,800, the amount he did send. Now, why didn't you add interest to that matter?

A. *Well, friends seldom charge each other interest.*

Q. I mean to the Pierce matter. Why didn't you instead of just paying the \$4,800 add interest to it?

A. Well, that was exactly what I owed—\$4,800—and while I have no independent recollection of thinking about interest, I do not suppose Pierce would have charged me interest. Evidently he did not.

Q. Well, you expected him to when you borrowed the money?

A. Well, I do not know whether I did or not. I do not know that anything was said about that. I know I said I would pay him back.

Q. Do you remember in your answer to the Attorney General using this language, "I told him I would speak to the Attorney General while I was here,"—referring to your intended trip to Texas—"I might not have the time to dispose of the horses while in Kentucky, and that if he would be willing to take my obligation and allow me to pay it with interest, I would consider a loan of \$3,300 a favor."

A. Yes, sir.

BAILEY REFUSES TO ASSIST IN SECURING THE TESTIMONY OF PIERCE.

The witness Bailey (on cross-examination p. 990)—

A. I have not asked him and I would not ask him, Senator Looney. I would not put myself in the attitude of asking any man in the world for my accommodation to come and submit himself to arrest and prosecution for a felony, and particularly when I believed the prosecution was a part of a political program against me. * * * That he would corroborate me exactly at all points where he testified to the same thing I testified to is, of course, absolutely certain, but when he did it the same men who engaged in this work, of course, when I say the same men I recognize that there are some honest men, but the honest men are all satisfied, and those who are not satisfied could never be satisfied, and I would not put myself in the attitude of asking any living man. If he were my friend I would have no right to ask him to suffer on my account. [But the

Committee offered Pierce immunity from arrest and were not the People of Texas entitled to have Mr. Pierce put on the witness stand and grilled under a severe cross-examination as to the important part he played in all these numerous transactions? If Bailey was innocent he certainly ought not to have objected to having that innocence established.]

I do not regard his testimony as material. I do not regard it as material to my friends, because they will believe what I say, and I do not regard it material for my enemies, because *if the Savior of the world were to come down here and He had searched my heart and found it pure and undefiled, they would cry out, "Crucify Him."* They would say He had been found even with sinners and talking with publicans, and they would gather a rabble. *So I do not think it is of any consequence.* [Even criminals are sometimes caught in the meshes of their own criminality.]

BAILEY SAYS HE RECEIVED NO FEE.

Q. Senator Bailey, did the Waters-Pierce Oil Company at any time, through H. C. Pierce or any other officer or agent of the company, ever pay you, directly or indirectly, one cent for the services that you undertook to render H. C. Pierce while you were in Texas the last days of May, the last days of April and the early days of May, 1900?

A. No, sir; not one dollar. They offered to pay me and I declined it, and not one dollar was ever paid me, directly or indirectly, for that service or for any other service, because as a matter of fact that is the only service I ever rendered or attempted to render to the Waters-Pierce Oil Company. [The Waters-Pierce Oil Company books and the witnesses all show that the fees and the expenses account Texas cases, Texas matters and Texas legislation, reached Bailey's pockets and were charged to profit and loss.] * * *

BAILEY FORCED TO ADMIT FAMOUS \$1,500 DRAFT.

The witness Bailey (continuing on p. 848)—

Q. The \$1,500 item, when did you get this \$1,500, Senator Bailey; under what circumstances?

A. *Well, the books of the Red River National Bank show that I drew that draft on the 13th of June, that it was that day passed to my credit at that bank.* I used it, owed the bank some of it. One of the notes that I owed the bank, I remember, was a small note for which the money was applied to the payment of my taxes. I owed this bank the five hundred and odd dollars and I had some other small matters like that requiring my attention and I borrowed the \$1,500 to pay them and I used the \$1,500 in paying them.* * *

The witness Bailey (continuing p. 939)—

Q. Now, with reference to the \$1,500 draft, you drew that on the 13th day of June?

A. Yes, sir.

Q. On H. C. Pierce, in St. Louis?

A. Yes, sir.

Q. Had you made any arrangements with him to draw this \$1,500 draft on him?

A. As I stated to him when I told him I was going to Kentucky to sell these horses that I needed to raise some money. He asked me how much I needed, and I told him I needed about \$5,000, and I needed \$3,300 then, and I drew the \$3,300 then and drew the other \$1,500 under that understanding. There was not more than—less than two months between the two dates.

BAILEY TRIES TO EXPLAIN DESIRE FOR ABSENCE OF PIERCE'S ENDORSEMENT OF NEW YORK EXCHANGE FOR \$1,750.

Q. You may examine the letter with the \$1,750 voucher in connection with the \$8,000 note.

A. Yes, sir.

Q. First, I will ask you to state whether or not that is your letter? (Handing letter to witness.)

A. Yes, sir; *I am reasonably certain that is my letter.*

Q. Well, now, have you any definite recollection, Senator, as to when you received the exchange called for in that letter?

A. No, Mr. Odell, of course, I would think I got it in prompt response to that letter; I think if I had not got it there would have been another letter in here that they might have stolen also; I think I would have written at once if it had not come on that; I am not positive. I know I did get the \$1,750 and I know I got it once and only once. * * *

Well, I wanted the money without delay, and knowing Mr. Pierce's multitude of business I knew that these things that are important to us are very frequently overlooked by him. I knew if I told him to send me exchange for it he would be very much more apt to attend to it promptly than he would if he would send me his check; his clerk would bring the check in and lay it down and he might wait a week before he signed it; I think he signed all his checks, I never saw anybody else sign one of them; if he made the exchange payable to his order he might have laid it down there a week before endorsing it and consequently I wrote for it in this way as a means of getting it more promptly, and therefore I think if it had not been sent to me promptly I would have written another letter a little stronger than this about it. [It would certainly have been less trouble to Pierce to have sent Bailey his personal check than it was for Pierce to send a man out to a bank for the purpose of buying New York exchange. Bailey had already gotten back his own signatures to the \$1,500 draft and \$3,300 receipt and did not want his name and Pierce's disclosed by an endorsed check or draft passing between them. In other words, Bailey wanted such a draft as would not show Pierce's connection with the money at all.]

The witness Bailey (continuing p. 940)—

I know I had the \$1,750 but once, because I did not pay it back to him and I know that letter is a misstatement.

Q. He did not send to you in any form \$1,750 before this transaction, this letter here?

A. No, sir; he did not.

Q. And you did not return it to him?

A. I did not.

The witness Bailey (continuing p. 941)—

Q. Now, had you at that time acquainted yourself with his business habits?

A. *Oh, yes, I saw a good deal of Mr. Pierce in the winter of 1900-01. He was in New York at that time and when I was there I saw a good deal of him. I was probably in his room or office half a dozen times.*

The witness Bailey (continuing on cross-examination p. 965)—

Q. Now, going back to some other matters, you got acquainted with Mr. Pierce in April, 1900?

A. Yes, sir.

Q. And you say him but a few times between that and the time of the adjournment of Congress that year, did you?

A. Well, I don't know, Mr. Jenkins, that I saw him at all until the fall of 1900, I believe I did not.

The witness Bailey (continuing on cross-examination p. 952)—

Q. Do you know whether or not the books that the leaves were brought here from of that banker show anything about this \$1,750?

A. No, sir; I do not. He was not asked to bring that.

Q. No, but they would, wouldn't they? In other words, the transaction was through that bank, wasn't it?

A. Undoubtedly. I did all my business through that bank, and if they had had all the book here that would have appeared just as the \$1,500. That is, when I got the \$1,750, unless I owed it somewhere else and sent it, I would have deposited it right there.

Q. Well, he brought the books with reference to the \$1,500 at your request, did he?

A. At the request of Senator Hanger, Senator Odell, or some of them; yes, sir.

Q. Do you know why he was not asked to bring his books covering the period of the 3d of March to the 12th of June, which are the respective dates,—1901—the respective dates of your letter and the voucher with reference to the \$1,750?

A. No, sir; I do not know why he was not asked. I want to say to you that I was advised to bring him down here about the \$1,500. *I think the people of Texas are willing to take my word, and I protested against bringing a banker down here to prove the truth of what I was saying or what I was going to say. My counsel know that, but they had him brought down here anyhow, had him summoned here, or he agreed to come here, before I knew it, and they know I protested against having to support my word by the bank books of anybody.*

[The time was when the people of Texas would accept Mr. Bai-

ley's unsupported word, but alas! that time is forever past. Is it any wonder that he protested against "bringing the banker down," *for the banker's books showed that he drew the famous \$1,500 draft, which he had so frequently and so vehemently denied.*]

BAILEY HIMSELF FORCED TO ADMIT GENUINENESS OF INCRIMINATING VOUCHERS, ETC.

The witness Bailey (on cross-examination p. 977)—

Q. All right—now in connection with Mr. Gruet's statement or evidence, what particular documents that the Attorney General published or exhibited are in your opinion forgeries?

A. *None of those exhibited are forgeries*, because they did not exhibit the Henry and Stribling draft, and that is the only one that I denounce as a forgery. * * *

I did not say anything about the vouchers and documents in connection with that, and it was presented to me as a draft which I had drawn in favor of Henry & Stribling and I promptly said that if any such draft was in the possession of the Attorney General, it was a forgery. [The technical difference between the draft that Bailey claimed to have denied and the draft which, on discovery, he was forced to admit, was that the former was said to have been drawn in favor of Henry & Stribling whereas the draft he did draw was in favor of the Red River National Bank of Gainesville, Texas. This is a distinction without a difference. *There is no falsehood or deceit more false or deceitful than a double deception.*]

Q. Well, the documents published by the Attorney General did not indicate he had any such draft, did they?

A. Why, yes, sir; my impression is that when he made the demand on the attorneys, that he demanded the production of that draft.

Q. Wouldn't that indicate he didn't have it?

A. Yes, sir; but it would have indicated that he didn't have these other papers, but it turns up he did have them.

Q. But the question I put was in the affirmative instead of the negative. He never stated he did have such a draft, did he?

A. He never stated he had these other papers either, and the draft; I was asked about the draft just as I was asked about the other papers and the interrogation was in a form that implied to my mind an assertion that he had it. The other papers, of course, I knew nothing—

Q. The voucher as published stated the draft delivered to Mr. Pierce, didn't it?

A. Yes; yes, sir.

Q. That would indicate that he didn't have it?

A. Yes, sir; that would indicate that.

Q. That notation on here appears to be in the hand of Mr. Naudain?

A. So the testimony is. * * *

Q. Didn't Mr. Naudain testify if the draft had been detached at that particular date he would have made that notation and required Mr. Gruet to sign it?

A. Yes, sir; he said he knew that was why he did make the notation and required Mr. Gruet to sign it, because the draft was not there and then he was asked and said he had never seen the draft. * * *

Mr. Jenkins, you asked me about whether these papers are genuine or not. Of course, the purpose of that is to show that when I said or as reported in the newspapers what I said, that these papers from the Attorney General's office were forgeries, that I was mistaken. I want the record to show that the only paper that I ever denounced as a forgery was the purported Henry & Stribling draft. I did not know what these other papers were which I had never signed and which I had never seen. I could not say whether they were forgeries or not, but the Henry & Stribling draft, if it existed, was drawn by me, and therefore I did have a positive knowledge about it. * * *

Q. Well, then, the voucher purporting to show and showing that the Waters-Pierce Oil Company paid money to Henry & Stribling upon your sight draft does not speak the truth?

A. It is false, absolutely.

Q. And that voucher is one that is signed J. D. Johnson?

A. That is the one that has got J. D. Johnson's name to it.

[J. D. Johnson testified that his signature to the O. K. on this voucher was genuine; Finlay testified that he directed its issuance upon the famous telegram from Pierce; Naudain and Hutchinson testified to the accuracy and genuineness of the voucher and traced it through the books of the Waters-Pierce Oil Company to profit and loss; and yet J. W. Bailey says "*It is false, absolutely.*"]

BAILEY RECEIVES \$200 EXPENSE MONEY FROM PIERCE NOVEMBER, 1900.

The witness Bailey (continuing p. 852)—

Q. You have seen, have you not, among these papers a voucher for—a purported voucher for \$200 purporting to be the amount of your expenses here at some time?

A. Yes, sir; I have seen that. * * *

Q. Did Mr. Pierce or anyone else pay your expenses in Texas?

A. No, sir; Mr. Pierce offered to do it, and, in fact, insisted on it, and I told him that if I had been coming to Texas on his business I would have allowed him to do it, but inasmuch as I was coming back here anyway I would pay my own expense. The date of the voucher would show that it was not that item; I came back here in April and that is dated November. * * * I went through St. Louis after the election in November [1900] and somewhere between the election and six or eight days after that, I was in St. Louis. [*That is just the time also that Stribling was there collecting his*

\$3,100 and the same time also that Pierce, Francis and Bailey were mutually arranging for Bailey to get back his \$1,500 draft and his \$3,300 receipt.]

The witness Bailey (continuing p. 941)—

Q. When was the first time you remember to have been employed by Mr. Pierce, to have done any kind of work for him?

A. I think in 1901 some time. I believe it was, but on that I am not accurate. I guess I could refer to my papers and tell exactly. * * *

Q. Now, have you any knowledge at all or memory on the question, or touching the question of Pierce ever paying you \$200 between that time and the time this voucher purports to have been made, for any purpose?

A. No, sir; I have not. However, in the fall of 1900 I got a telegram from Mr. Pierce to come to New York and I went there. I do not know exactly when it was, but it is possible that—and I know in reason that he paid my expenses.

PIERCE OFFERS BAILEY \$50,000 PER ANNUM (?)

Q. Did you ever have any business with him of any kind, legal business in 1901?

A. I would imagine that I did in 1901, I am almost sure I did.

Q. Do you remember what it was, that is, the character or scope?

A. Judge, the time I went to New York in the fall of 1900, I went there and Mr. Pierce tried to employ me. They talked about his wanting to use me as a Senator. He offered me a very handsome salary to go out of the Senate, or not to go in it, in fact. He offered me \$50,000 a year and I declined it to serve the people of Texas at \$5,000 a year. I did not have any legal business with him then.

Q. Do you remember when that was?

A. This time I went to New York when he telegraphed for me in the fall of 1900, he had a great many things, a great many important things. Mr. Johnson was and had been for many years the attorney of the Waters-Pierce Oil Company, and Mr. Johnson could not discharge the duties of that position and then attend to Mr. Pierce's other matters, and Mr. Pierce offered to employ me as his private counsel at that time. I did not then have any business with him. I declined that. I have sometimes wished I had accepted it and escaped the infamies that have been practiced against me in the politics of this State.

[If he had accepted Pierce's offer of \$50,000 (if Pierce ever in fact made him such an offer), he could not have earned in the past six years at that rate the million dollars accredited to him now. In other words he has been worth more, far more, in the Senate than he would have been worth out of it to "the interests" and to "the system."]

BAILEY FORCED TO ADMIT THAT DAVIDSON DID RIGHT IN SUING WATERS-PIERCE OIL COMPANY SEPARATELY.

The witness Bailey (on cross-examination p. 976)—

Q. Well, I will change the form of the question. Referring to the suit of the Attorney General against the Waters-Pierce Oil Company, it being assumed that the purpose of that suit is to show that the Waters-Pierce Oil Company is connected with the Standard Oil Company, would you as a lawyer think it wise to bring a suit in that way instead of bringing it against two or three concerns, each of whom would have a right to defend itself in court and have a right to have different attorneys, *and to have continuances, as the case might be.*

A. I would not have joined them. If I had been Attorney-General of this State and I had thought that the Waters-Pierce Oil Company was an illegal business enterprise because the Standard Oil Company owned a part of it, I would have been absolutely sure that the Corsicana refinery, of which the Standard Oil Company owned the whole, was an illegal enterprise, and I certainly would not have brought suit first against the company of which the Standard owned a part only and left other enterprises of which the Standard Oil Company owned the whole.

Q. Yes, sir?

A. The vice in the Waters-Pierce Oil Company, if it is an illegal business, is the ownership by the Standard Oil Company of stock in it. Now surely the vice would be greater in a case where the Standard Oil Company owns the whole of it, and for the Attorney General to bring suit against a company of which the Standard Oil Company owns only a part, and to leave companies of which the Standard Oil Company owned the whole to go unwhipped of justice is to my mind incomprehensible. [In other words, Davidson refused to conceal Bailey's trust relations, which was to Bailey "incomprehensible."] * * *

If it is true that the Standard Oil Company owns both the Security Oil Company and the company at Corsicana, those two corporations being engaged in the same business, the same man could not own them both, whether that be the Standard Oil Company or anybody else. * * *

Q. But, if you had any proceeding against the Waters-Pierce Oil Company, you would not have joined the other companies in that suit?

A. No, I would not have joined them. There is no sense of joining them because it is wholly a different proposition. I might have joined the Security Oil Company and the Corsicana Company if I felt sure that the Standard Oil Company owned them both, and if I did not feel sure of proving that it owned them both, then I would have brought a separate suit against each of them.

Q. Well, if you could establish that the Waters-Pierce Oil Com-

pany was dominated by the Standard Oil Company, you would have the grounds to bring suit?

A. Yes, sir.

Q. As Attorney General?

A. I think so. I think at first if they did not have time to bring them all, that they ought to bring it against the one in which the Standard Oil Company owned them entirely.

Q. You think the other ought to have been brought first?

A. Yes, sir—there is no political question in that.

BAILEY GIVES A LECTURE ON "MORAL IDIOCY."

If you had been bringing suit against the Waters-Pierce Oil Company and had not deemed it advisable to join other concerns, and the witness who had, or claimed to have evidence that was valuable to you, would make a demand on you to do everything you intended to do anyhow, you would object?

A. Oh, I would let no perjurer or thief in this world contract with me for immunity to the Standard Oil Company if I were an officer of this State. [Gruet made no such contract with Davidson but simply insisted that the Waters-Pierce Oil Company should be sued separately from the other Standard Oil Companies in Texas in order to hasten and expedite the litigation. Just as soon as Attorney General Davidson found time and secured reliable proof against the other Standard Oil Company properties in Texas, he immediately sued the Corsicana refinery and the Security Oil Company, charging that they were branches of the Standard Oil Company.]

Q. Well, putting it in that light, I have nothing to say, but if a witness could furnish you, regardless of his moral standing, or if you believed he could furnish you evidence to make out a case against the Standard Oil Company, and he sought to put in as a condition that you would not join in that suit other Standard Oil Company property, and you did not intend to do that anyway, you would tell him that, wouldn't you?

A. No, sir; I would not. I would not allow a man that I knew had stolen the papers of his employer, a man that I knew had committed perjury, to protect the very corporation against which I had intended to institute a suit—a man that I knew was a moral idiot, not knowing the difference between right and wrong, I would not allow him to propose conditions upon me as to the manner in which I would perform my public duties.

Q. Understanding those were the conditions, you would proceed to enter it without—

A. Well, I would proceed without that. But as a matter of fact, there was not and has not since the development in the Missouri case, been any necessity for Gruet's testimony. The fact is, that everything necessary to make out a case, if it could be made out in law, could have been made out by the testimony of these other people. Pierce's testimony had been taken before this suit was filed, he tes-

tified to the relation; Archbold and Rogers' testimony had been taken and while Rogers refused to testify, and it was certified to the court, when the court said he must answer, they came back and admitted it on the record. It is true they confined the admission to the purposes of that case, but they came back and admitted on the record for the purpose of that case that the Standard Oil Company owned this stock, and taking their testimony, and taking Pierce's testimony there is absolutely no necessity for the Gruet testimony, and there was not the day that suit was brought, because they knew what Pierce had testified. Pierce testified in the ouster suit, before he testified in that famous suit of Gruet's. [Bailey's righteous indignation at Gruet's alleged "perjury" for having made the same affidavit that he afterwards refused to make *and Pierce did make with reference to the Waters-Pierce Oil Company not being a part of the Standard Oil Company*, seems never to have occurred to Bailey's mind. In other words, Gruet made the anti-trust affidavit once or twice *for the sake of his daily bread and thereby, according to Bailey, became a "perjurer," while "My dear Pierce" who made even a stronger affidavit remains innocent in Bailey's eyes.*]

BAILEY IN THE ROLE OF "SENATOR REPUBLISH" IN STANDARD OIL CODE BOOK.

The witness Bailey (on cross-examination p. 992)—

Judge Poindexter: I want to ask you a question. There has been introduced and is now in evidence here somewhere—in a peculiar shape, too, to put in the record—what is called a cipher code of the Waters-Pierce Oil Company, that was introduced and handed to the clerk. There is just one word in there, in which your name appeared. Now what is your explanation of that?

Senator Bailey: *Why, it appears in there, and ought to appear in there.* I was conducting a transaction of very considerable magnitude, in which Mr. Pierce was one of the interested parties, and it might become necessary in telegraphing to me to telegraph about the business for that concern in a way *that it would not be desirable for the public to understand.* * * * The code book that was introduced shows that my name was written in there long after it was printed. If it had been in there before it would have been printed in there. [Of course they did not print his name in the book when they printed it because he had not yet become their personal and political counsel. They had to fill in his name as Senator "Republish" after they began to make him "loans."]

Q. The question is, when did it come into your possession?

A. I got possession of that code when I first began to attend to Mr. Pierce's private matters, any of them. * * *

It is no evidence of anything wrong at all. It is simply an evidence that a man has business which he does not care—*like I have been compelled to do—lay before the public.*

BAILEY YEARNS FOR A PRIVATE CAR FOR HIMSELF AND HIS FRIENDS.

The witness Bailey (on cross-examination p. 982)—

I have seen it stated I registered here, Johnson, Pierce and myself, one after another. It is wholly immaterial, if it were true, and I never thought enough of it to go and ask. I have been in this hotel seven weeks, and I never thought it important enough to ask the clerk for the register. I can not understand why men attach any importance to that, for I have said I would have come, and if it was an offense to come, I am guilty. If I did not commit, I would have committed it without the slightest hesitation. It is ridiculous. I would ride in a private car, *I wish I was able to buy one*. I would ride in it all the time. I would take my friends with me. [If he practices influence in and out of the Senate for another eighteen years, *and he has told the people of Texas that he would remain there*, perhaps, in the course of time, he will be "able to buy one."]

CHARGE NO. 15.

Q. I will call your attention to this fifteenth specification. I do not know that I understand it exactly:

"Fifteenth. That the said J. W. Bailey testified to said committee, in explanation of his return to Texas after conference in St. Louis with H. C. Pierce in behalf of the Waters-Pierce Oil Company, that 'he was then on his way to Washington.'"

That is true, is it, Senator?

A. Yes, sir.

Q. (Reading): "That the said J. W. Bailey during the month of September or October, 1906, in public addresses in Texas, explaining the same transaction, stated that he must have gone to Kentucky to see some horses during the interval between April 25, 1900, and May 3, 1900."

Did you state that, Senator?

A. Well, Kentucky is on the way to Washington, and I could start from Texas to Washington, going by Kentucky, which is exactly what happens nearly every time I go to Washington, I go through, Kentucky.

Q. (Reading): "That on or about the 6th day of December, 1906, the said J. W. Bailey explaining the same transaction, over his signature, in open letter to the press of Texas, stated, 'I told him, however, that I was then on my way to Kentucky for the purpose of selling some horses,' that these two last statements are inconsistent with and contradictory of said J. W. Bailey's sworn statement about the same matter above set out, and that one or the other, or both, of said statements are likely false, and raise a question involving the veracity of said J. W. Bailey."

A. Well, that is a lie.

Q. These statements, I understand from you then, Senator, are all entirely consistent?

A. Of course; none of them false. I stated I left Texas for Washington, which is absolutely true. I intended, as I have said repeatedly, to go to Kentucky. It was not a matter of anybody's interest whether I was going by Kentucky *to look at horses or to sell horses*, or anything, until made so here, and so any intelligent man knows the statements are not in the least inconsistent. [*But the fact remains that he made three separate but different explanations at three different and widely separate times, seeking to adjust himself each time to the new contingencies that arose in the course of the controversy.* The first time his purpose was to convey the idea that he was just returning to his public duties at Washington and was waylaid, so to speak, by Pierce and Francis in St. Louis; the next time, five years afterwards, his second explanation of his whereabouts, between April 25th and his return to Texas about May 1st, was that he "must have gone to Kentucky to *see* some horses; his third explanation, made necessary by the fact that he must needs have an excuse for "striking" Pierce for a loan, was "I was then on my way to Kentucky for the purpose of *selling* some horses."]

BAILEY, BAYNE AND THE SECURITY OIL COMPANY.

The witness Bailey (continuing, p. 894)—

I was in New York. Mr. Bayne sent for me. Whether he telephoned to the hotel that he wanted to see me, or whether he dropped me a note, I am not sure, but anyway at his request I called on him at the Seaboard National Bank, and he told me he was building a refinery in Texas at Beaumont, or near Beaumont; he wanted to incorporate it and he wanted me to draw a mortgage to secure \$2,500,000 worth of bonds which he intended to issue on it. I drew the charter and I drew the mortgage. I am inclined to think I came to Texas and drew them. Indeed, I am practically certain that I drew that charter and drew that mortgage at Gainesville, and I went with the charter to Beaumont. I superintended the first meeting of the board of directors to see that the issue of the bonds was duly authorized.

Q. It is alleged here that the fee paid you for drawing that charter was intended as compensation to said Bailey for political services then rendered or afterwards to be rendered to the Standard Oil Company and allied trust interests. Is that true or not?

A. Oh, without the shadow of truth.

Q. It is alleged that you knew that this Security Oil Company was to become a subsidiary oil company to the Standard.

A. And it is alleged that I might by "official diligence"—

Q. Yes, I was going to get to that next.

A. Just exactly what "official diligence" would have required me to have known is past my comprehension. I no more asked Mr. Bayne what his connections were when he wanted me to do a piece of work for him as a lawyer than one of you gentlemen would ask a client if he came into your office if he was representing somebody.

else. Mr. Bayne is a rich man, amply able to have done this, but if I had not known he was a rich man and he had come and told me to do it, I should not have inquired of him into his business. It was, so far as I knew, a perfectly legitimate transaction, and I drew the papers just like any other lawyer on this committee would have drawn them, without any questions. [*The fact that Bailey does not in the above testimony, affirmatively deny knowledge of the fact that Bayne was representing the Standard Oil interests, strongly confirms the charge that he did know it or could have found out if he had tried.*]

BAILEY ADMITS RECEIVING \$5,000 FEE.

Q. You said something yesterday about the fee paid you by the Security Oil Company. Do you remember what that fee was?

A. Yes, sir; it was \$5,000, the exact amount named in this charge, and the exact amount named in a joint discussion at Houston in the early part of October. [*The Security Oil Company is now, 1907-08, being sued by the State of Texas as a branch of the Standard Oil Co.*]

BAILEY COLLECTS \$2,500 DIRECT FROM STANDARD OIL COMPANY IN 1901.

The witness Bailey (on cross examination, p. 943)—

Q. On yesterday you testified that at one time the Standard Oil people sought your opinion touching the right of that concern to do business in Texas.

A. Yes, sir.

Q. And that you gave them a written opinion?

A. Yes, sir.

Q. Do you remember who sought your advice in that connection?

A. I think Mr. Elliott did, either Mr. Elliott or Mr. Dodd. Mr. Dodd was the general counsel at that time and Mr. Elliott was the assistant. Mr. Dodd is now dead, I believe, and Mr. Elliott is the general counsel.

Q. About what time was that?

A. That was in 1901; I know it was some time after the discovery of oil at Beaumont, and that gusher was brought in while I was here with the Legislature in 1901, and this was in 1901 some time.

Q. Do you know where you were when you wrote your opinion?

A. Yes, sir; I was at Washington.

Q. Did you charge them anything for that opinion?

A. I did.

Q. And they paid it?

A. They did, undoubtedly. I would not be giving any legal opinion to those people or to anybody else without charging them for it.

Q. Well, I do not think it is right to inquire into a man's private business—

A. Go on and ask anything you want.

Q. But I was going to suggest to you the propriety or impropriety of stating what they paid you for that opinion?

A. *Twenty-five hundred dollars.*

[In the Crane-Bailey debate at Houston, Texas, October 6, 1907 (Houston Post, October 7th), Mr. Bailey said: "I tell you I never represented a monopoly in my life."]

BAILEY, ALDRICH AND 26 BROADWAY.

The Witness Bailey continuing:

Q. It is charged here that the author of the bill was the father-in-law of the son of John D. Rockefeller. Do you know anything about that?

A. Well, I think that is true. I think that Senator Aldrich is the father-in-law of young Rockefeller. I do not know that that is true, but I have heard that repeatedly, and I am reasonably certain that it is true.

Q. Well, now, Senator, in this connection, and in the same count, it is alleged that you have become a frequenter of 26 Broadway, New York, that notorious rendezvous of the Standard Oil subsidiary companies. About how many times in your life have you visited 26 Broadway, New York, if at all?

A. *I think* I have been there twice in my life.

Q. You detailed on yesterday one of your visits, did you?

A. Yes, sir.

Q. Do you recall any other one of your visits?

A. Yes, sir. [That was the time that he went in 1905 to 26 Broadway with the General Attorney of the Standard Oil Company and told Archbold that "He did not believe a damn word they said" about the Standard Oil Company not being the real owners of the Van Buren stock in the Waters-Pierce Oil Company.]

Q. When was that?

A. When the oil discovery at Beaumont was made the Standard Oil Company asked me for my opinion whether they could transact business lawfully in Texas. I gave them a written opinion that they could not, and I told them if they attempted it the officers would be prosecuted and put in prison and their property would be absorbed in fines and penalties. [*Perhaps that was the reason they organized the Security Oil Company and paid Bailey \$5,000 to write its charter.*] After I sent them that written opinion, *they asked me if I was willing to explain it.* I went there and reiterated it. I guess they laughed in their sleeves about it, because it seems now that they were operating the Corsicana refinery at that time, and that is the misery and the infamy of this charge that I was trying to bring them back into the State through the Waters-Pierce Oil Company, when I gave them a written opinion that they could not come—[and do business openly in the name of the Standard Oil Company.] * * *

BAILEY RENDERS STANDARD OIL OPINION ON REAL ESTATE LAW OF TEXAS.

Q. Did you ever give the officers of the Standard Oil Company any opinion on any question, except the one that you have just named?

A. I think Mr. Elliott wrote me once—I know he did, in fact—and asked me something about the law of real estate here, and I wrote him what it was, what my opinion was. That was not to the officers of the Standard Oil Company. It was something about the purchase or a lease of property in Texas. I made no inquiry about it, but I told him what I thought the law was, and that is the extent of it.

Q. Elliott is a lawyer?

A. Mr. Elliott is a lawyer. Mr. Elliott was once a Democratic member of Congress from Pennsylvania—a member of Congress from that State at large, many years ago.

[We do not know what Bailey received by way of a fee for this particular opinion. Perhaps another \$2,500 or so. If the Standard Oil Company had not been grateful to him for helping Pierce and through Pierce the Waters-Pierce Oil Company, and consequently the Standard Oil Company, and had not recognized him as their political counsel in Texas, why did they ask him first, for an opinion as to whether or not they could openly do business in Texas, and then ask him to come to their office at 26 Broadway "to explain that written opinion," and then again to give them an opinion on the real estate law in Texas? Bailey told the whitewash Committee of the 27th Legislature: "*I devote myself to the study of Federal questions and do not consider my opinion on State matters entitled to very great weight.*" How much less weight was his opinion entitled to on the details of legal intricacies in Texas to which he had not, by training or by experience, an opportunity to devote himself? The Standard Oil Company had doubtless, experienced and practiced attorneys in its employ and available. *Why then should they go to a United States Senator from Texas for legal advice?* Echo answers why.]

The witness Bailey (on cross examination, p. 973)—

Q. Now, when was it you gave as attorney of the Standard Oil Co., an opinion to them with reference to their ability to enter Texas or their legal right to enter Texas?

A. *I think it was in 1901, I know it was in 1901, in fact.*

Q. You say you think likely they laughed in their sleeve at that, in view of the fact that they were then operating in Texas?

A. Well, yes; and that is one of the things that made me curious about the other deceptions, when, after I had told them they could not operate here, at the very time I told them so, *they were operating through the Waters-Pierce Oil Company*, and though they knew perfectly well that I had told Mr. Pierce that they could not operate here, and Pierce had repeated it, so he stated to me, to them, and he swore that in the Missouri case he had repeated the conversation—he did not call my name, but he said a prominent citizen of Texas

told him they could not operate here, and then besides it now transpires they owned the Corsicana refinery. [Is it reasonable to suppose that the Standard Oil Company would have asked Bailey to render it a bona fide legal opinion as to whether or not their company could openly do business in Texas, without advising him fully, at the time (1901), of its various holdings in Texas and of its methods generally? *He must have had some facts upon which to predicate a legal opinion.*]

Q. Then did it occur to you at the time they asked you for that legal opinion, in view of that fact that they were operating here under the guise of other companies, that they knew they had no legal right to enter Texas?

A. No, *I think they thought if they could they would like to throw off the guise.* That is what my opinion now is, that if the law of this State was such that they could, that they wanted to throw it off.

Q. And you think, then, they were making an honest inquiry as to whether or not they could operate here?

A. Well, I don't like to describe it as an honest inquiry on their part, but they were asking for my legal opinion as to whether they could. I did not hesitate to give them my legal opinion. I would not hesitate to give it to any man or any business that asked me for my opinion as to their legal right.

[During the Crane-Bailey Houston debate, October 6, 1906, Bailey said, "I was never attorney of the Waters-Pierce Oil Company a single day in my life and yet, my countrymen, you are regaled with statements that my employment by the Waters-Pierce Oil Company disqualifies me for a seat in the Senate. You will hear them say, "If you did not accept employment from the Waters-Pierce Oil Company you did from Pierce," and that is perfectly true. I did, but I will say when I accepted employment from Pierce it was before I had known that the Standard Oil Company owned any stock in the Waters-Pierce Oil Company." In other words, according to his own statement, he represented Pierce from 1900 forward because he thought Pierce was innocent of any connection with the Standard Oil Company. Now, we find that in 1901 he represented the Standard Oil Company direct and was paid \$2,500 for one opinion, although Bailey also said at Houston, "I tell you I never represented a monopoly in my life." *He did not know then that his direct representation of the Standard Oil Company would afterwards be discovered.*]

Q. Well, isn't it probably true that they had in their constant employment very able attorneys?

A. Undoubtedly.

Q. They could have ascertained, had the same means of ascertaining the legal status of the company that you did?

A. Well, of course they could, but it happens, Mr. Jenkins, always, nearly, when people with any important interests want an opinion as to the law of any state, that, in addition to their counsel, their general counsel, they will call into consultation, or else take the legal,

the written opinion of some lawyer in the state concerning whose laws they desire to be advised. That is not unusual at all. On the contrary, I would think it would be rather unusual for any business with large property or large interests to venture upon a question or policy of that kind *without taking the opinion of some lawyer supposed to be especially familiar with the laws of the state in which they sought to operate.* * * *

ODELL TO BE A UNITED STATES SENATOR, FOR BAILEY SAID SO.

The witness Bailey (referring to the rate bill amendment p. 925)—

When you [Odell] come to the Senate of the United States, *as I hope you will some time*, you will find human nature up there just like it is down here, and it is just the same all over the world. And so I did not want to offer this amendment. I drew it, however, and two Democratic Senators, who were with me at my home when it was drawn, two splendid gentlemen and either of them as good a lawyer as I am and either of them as good a lawyer as anybody, [conclusion: Bailey is "as good a lawyer as anybody,"] and entirely equal to the task of drawing the amendment, yet we wanted to draw the amendment and I drew it as they were there.

BAILEY FAMILIAR WITH STANDARD OIL METHODS.

The witness Bailey (continuing, p. 927)—

You understand, and the committee understands, that *the secret of the Standard Oil Company's great monopoly consists in the fact that they do everything with oil that is done with it.* They let other people go into an oil field and explore it; if the oil field turns out to be abundant, then they buy it from the men who have risked their money in the search for it; and they let other people build refineries and take the chance of the oil failing, but if the oil field does not fail, then they go in and buy it. They go to these men and give a profit, it is true, but they don't take any chances. *Now they do all that is done with oil from the taking of it out of the ground until they make the wicks with which it is burned*, every step in the process of production, refining, selling, and then they make the lamps and wicks with which the people use it. [How familiar is this Texas misrepresentative with Standard Oil methods!]

BAILEY ADMITS THAT HE IS NO PAUPER.

The witness Bailey (continuing, p. 908)—

Q. Well, now, Senator Bailey, you may recall the testimony of W. O. Davis and others through whom it has been undertaken to submit to the committee here an invoice of your property?

A. Yes, sir; they have got in the record a list of every piece of property I own in Gainesville and in Cooke county, and they have

even gotten in the record property that I bought, one piece of property that I bought practically since this matter has been in progress. They have gone to the record and have actually gotten the consideration, although in two or three instances they have exaggerated it, but not materially. * * * I suppose I am the only United States Senator, living or dead, that was ever compelled to file an inventory of what he had and then the very next day prove that he got it with absolute honesty. I don't think any United States Senator ever before was required to file an inventory even if he couldn't prove where he got it.

BAILEY AND SIBLEY.

The witness Bailey (continued, p. 827)—

Q. When did you get acquainted with the Honorable Joseph Sibley, of Pennsylvania, Senator Bailey?

A. I think the first time I ever met Mr. Sibley was when he came to Congress. I am not sure, but I think Mr. Sibley was elected to Congress in 1892. I do not believe that he was in Congress when I first entered. I think he was elected to Congress in 1892.

Q. How long did he serve in Congress, if you remember?

A. I think he served two years. He was elected first as a Republican. * * * *I have visited his house often. There is no more delightful man on earth, and I don't think a cleaner one than Joe Sibley.*

[Joe Sibley is a Standard Oil subsidiary company—The Galena Signal-director!]

BAILEY AND KIRBY ENGAGE IN A \$25,000 "PURELY PRIVATE TRANSACTION."

The witness Bailey (on cross examination, p. 987)—

Q. There is in evidence here from some one something about a \$25,000 draft of July 31, 1906, on John H. Kirby.

A. Yes, sir.

Q. Drawn by you, I believe?

A. Yes, sir.

Q. Was that an individual transaction between you and Kirby, or did it have any relation whatsoever to any of these properties or arrangements here?

A. *Purely a private transaction between Mr. Kirby and myself.*

Q. About when was it?

A. I do not remember; some time last summer. [1906.]

BAILEY DENIES CASHING TENNESSEE RAILROAD COMPANY INTEREST COUPON.

The witness Bailey (on cross-examination, p. 987)—

Q. There was a witness here from Corsicana who testified in reference to a coupon of the Tennessee Railroad Company passing

through the bank with your endorsement. Do you remember any such transactions?

A. Well, he is mistaken. That is all.

CHARGE NUMBER 33.

BAILEY TELEGRAPHS FOR JOHNSON.

Charge number 33 was as follows: "That the said J. W. Bailey has just procured to be present in the city of Austin, J. D. Johnson, of St. Louis, general attorney for the Waters-Pierce Oil Company, and one Van Blarcom, also of St. Louis, and one Naudain (or some such name), auditor of the Waters-Pierce Oil Company or the Standard Oil Company. For what purpose and at whose expense these parties are assembling at the capital of Texas, your informant is not specially advised."

The witness Bailey (continuing, p. 913)—I telegraphed Mr. Johnson and asked him to come here. I believed the committee would want him to testify. *If the committee did not want him to testify, I did.* I had been charged with acting as an attorney for the Waters-Pierce Oil Company. Mr. Johnson was the general attorney of that company. He would, therefore, know whether or not it was true that I had ever acted as an attorney for it, and I wanted him to come on that account. I knew perfectly well the committee would want to examine him, and so I telegraphed for him. I did not procure the attendance of Mr. Van Blarcom. He knew nothing of interest to the committee. Nor did I procure the attendance of Mr. Naudain. I probably asked Mr. Johnson in the telegram to bring the books. I never heard of Mr. Naudain until he arrived here, and whether Mr. Johnson brought him to explain the books I do not know. [*Naudain was a very willing witness, too, in his explanations of the books.*]

CHARGE NO. 42.

WATERS-PIERCE STOCK OWNERSHIP.

The 42nd charge was as follows: "That since the readmission of the Waters-Pierce Oil Company in Texas, through the conspiracy hereinbefore charged, said J. W. Bailey, while a United States Senator from Texas, has been and now is a secret but beneficial owner of certain shares of the capital stock of said company, upon which stock he has received large dividends as compensation, or a gratuity, for services rendered to said corporation or its allied trust interests; that said Bailey has steadfastly concealed said fact and all others possible for him so to do from the people of Texas."

The witness Bailey (continuing, p. 907)—

Q. I don't know whether you have explicitly denied that or not, Senator Bailey.

A. No, we haven't touched that before. That is a downright

positive lie without a shadow of truth in it. I never owned a share of stock nor received five cents benefit from the Waters-Pierce Oil Company in my life, and I never heard of that story until it was printed first in Hearst's Chicago Examiner, which was printed specially for distribution amongst the Legislature. [*But when they did reach Austin the Baileyachers bought the papers up and it was very difficult to get a copy.*]

CHARGE NO. 27.

BAILEY REGRETS NOT HAVING ADMITTED THAT HE RECEIVED A FEE FROM WATERS-PIERCE OIL COMPANY.

The 27th charge was as follows: "That during the summer of 1906 Mr. Bailey stated to creditable witnesses that while he received no fee for his services for the Waters-Pierce Oil Company in the matter of its readmission, he regretted that he did not in fact 'tell the investigation committee of 1901 that he did receive a fee and let them make the most of it.' That this statement on the part of Mr. Bailey showed a regret on his part that he did not in fact stultify himself while testifying under oath, and displayed a willingness on his part so to do if such conduct on his part would subserve his political ambition."

The witness Bailey (continuing, p. 910)—

That is a lie. I never made any such statement. That would be equivalent to saying I regretted I did not tell a lie under oath—

Q. Yes, sir.

A. And I never made anything, any statement of that kind. Here is what I have said repeatedly, that I was very sorry that the services which I rendered the Waters-Pierce Oil Company had not been one for which I could have accepted a fee, and then I could have so stated and there would never have been all this talk. *The truth of it is, for six years this whole conspiracy has been an effort to prove I did not tell the truth.* If there was any objection to my taking a fee from the Waters-Pierce Oil Company, I gave my enemies the full benefit of that six years ago by declaring I would have received a fee from them in any proper legal matter, and, therefore, the matter of whether I had received a fee or not has not been the issue. For six years these men have been scouring the gutters and have been committing burglaries, thefts and interlineation, simply for the purpose of showing I didn't tell the truth. That is the whole of it. There is nothing else in it, and that is what I regretted very much, that my service was not one for which I might have accepted a fee, so that I might have said so. I have said that repeatedly and that is doubtless the basis of that charge. A number of men in this State have told me that had they been in my place they would have taken a fee even for the service I rendered.

CHARGE NO. 32.

TRAVIS COUNTY CAMPAIGN OF JANUARY, 1907.

Charge number 32 was as follows: "That your informant is advised and believes that the said J. W. Bailey, directly or indirectly, spent considerable sums of money in his effort to carry Travis county in the primaries held therein on the 5th day of January, 1907, and that at least a portion of said money was spent in ways unbecoming a candidate for the United States Senate in Texas; that during said campaign the said Bailey procured to be present in Austin persons from different parts of the State to assist him in his illegitimate and unbecoming methods; that prior to the assembling of the Legislature and thenceforth until now, the said Bailey has assembled at the city of Austin a considerable number of professional lobbyists, who used and are using all the arts known to their nefarious business in an effort to influence the Legislature of Texas, first, against the investigation of said Bailey's fitness for said office, and, second, to so circumscribe said investigation as to block the way to the real facts; that the said J. W. Bailey has called into consultation different members of the Legislature of Texas and sought to browbeat and coerce them in their duties as Legislators by, among other things, threatening to go into the districts of those opposing him and defeat their re-election, in the event that they continued in their efforts to secure a real investigation of the said Bailey."

The witness Bailey (continuing, p. 911)—I did not spend a dollar. They have not even allowed me to pay for the headquarters and the printing, though I had insisted that I should do that. They have not allowed me to pay the postage bill, though I have insisted that I should do that. * * * [The Captain Lucy, State agent of the Surety Company which made the Waters-Pierce Oil Company bond in the Travis county suit, *paid his postage bill* through Bailey's pet, Senator Barret of Bonham, or at least that is what Barret said he did with the \$100 that Lucy paid him while he was campaigning Travis county for Bailey.]

BAILEY THREATENS POLITICAL MURDER.

Q. Now, Senator Bailey, I will address your attention particularly to the language in the same charge: "That the said J. W. Bailey has called into consultation different members of the Legislature of Texas, and sought to browbeat and coerce them in their duties as Legislators, by, among other things, threatening to go into the districts of those opposing him and defeat their re-election, in the event that they continued in their efforts to secure a real investigation of the said Bailey."

A. Well, there is not a syllable of truth in that. There is, it is entirely true, that I said to one or two members that I intended to go into their districts and lay this matter before their people. *I still in-*

tend to do that. That was not made as a threat. For instance, here is this man Cox from Rockwall county. That man was in my old congressional district when I was first elected. I could carry that county against any living man six or seven to one, and I know it and the people know it, and he knows it, and I did tell him that I intended to go to Rockwall county and submit that matter to these people, *and I intend to do it. That is no threat.*

I did tell Mr. Cox that I intended to go into his county and discuss that with those people, and I will, and if Mr. Cox ever comes back to the Legislature, then I will admit that I am mistaken. *He hasn't got any more chance to come back to the Legislature from that district than an infidel has to enter the kingdom of heaven,* and I know it and I don't hesitate to say it. I talked with Mr. Johnson. What I said to Mr. Johnson when he talked about the people wanting an investigation, I told him I didn't think the Democrats of this State believed I had done anything to need investigation, but inasmuch as charges had been made and the papers had been filled with these insinuations, I thought that if my enemies proposed an investigation, my friends ought to have one, but I averred that it ought to be an investigation under which I would be accorded the right and privileges *that are accorded to negro criminals.* I said that under the Duncan resolution I am impeached before there is a syllable of testimony offered. The resolution itself is a reflection on me; and then I had besides that objection, I not only want, *if we are to have an investigation at all,* I not only want them to investigate these charges specified in the Duncan resolution, but I want every liar in Texas to have an opportunity to come and place his lie before the committee so that we may have an end once and for all of these calumnies. [He thought he had "all Texas parties quiet" after the so-called investigation of 1901. Treason, however, like murder, will out.] I said, "In every corner of the State they are whispering not only these Duncan things, but they are whispering a multitude of other things"—just as they have finally assembled them here in these charges, *and if there is to be the scandal of an investigation at all,* investigated, for an investigation on one charge is as serious a reflection upon him and upon the State as it would be upon a hundred charges, *and if there is to be the scandal of an investigation at all, then I want everything investigated."* I said to him, "You talk about you wanting a broad and searching investigation," I said, "the resolution that my friends advocate proposes a broader and more searching investigation than the Duncan resolution, because under the Duncan resolution the committee can inquire about nothing except what is alleged in that, whereas under the substitute which my friends are supporting they can not only inquire about everything alleged in the Duncan resolution, but they can inquire about any other charge that any other man in Texas is willing to make." [But his committee refused to allow some of the charges filed.] Mr. Johnson said something about his people, and I said, "If you have as little trouble ex-

plaining to the people your conduct in violating the instruction as I will have in explaining my conduct as their Senator, you will be fortunate indeed," and I am still of that opinion. I did not threaten Mr. Johnson. Mr. Johnson is a brother-in-law of one of the best friends I have in this State. I did not send for Mr. Johnson to come to my room. My immediate representative, Mr. Blanton, brought him there. I treated him courteously. He is a brother-in-law of Judge Martin, a man to whom I am sincerely devoted, and whatever Mr. Johnson might have done, I would have been civil to him on Judge Martin's account. And then, in addition to that, he was brought to my room by my friend, my immediate representative, and I would have been civil to him on that account. I am rather surprised that Mr. Johnson considered himself affronted or considered himself threatened. I am not surprised that Mr. Cox of Rockwall went away in something of a huff. *I intended that he should.* * * * I did not talk so civilly to Mr. Cox of Rockwall, for I did not have any patience with him. *I did not expect to control his vote, and the fact is, I did not.* He voted against me when he knew his constituents were for me. I will say further, that I did not say as much to Mr. Johnson as I said to the State in my speech after I had been elected.

BAILEY WOULD EXCHANGE HIS SEAT IN THE SENATE FOR THE BLOOD OF HIS POLITICAL ENEMIES.

Mr. Johnson still thought I ought to be mild; in other words, he thought, or seemed to think, that although these men stand upon street corners and denounce me as a traitor to my country, insinuate that I have not been an honest man, that I ought to draw my cloak around me, and with meekness and humility say, "Pray, sirs, don't do that." Now, I am not going to live that way. That is all foolishness for the politician. The man that goes into politics and does that, they will run him into the Gulf, and they ought to, because a man who does not smart under the kind of imputations that have been leveled against me, and who does not prevent it, is either a *pusillanimous preacher*, or else he is guilty, one of the two. There is not a man of virtue and honesty in the world that will bear what these men have said about me and not resent it. *I think I deserve great praise for not taking a shotgun and killing them, and if I could have gotten around, that is what I would have done. I would give my seat in the Senate tomorrow if I could settle with them all at once.*

BAILEY TESTIFIES IN 1907 CONCERNING THE INVESTIGATION OF 1901.

The witness Bailey (continuing, p. 865)—I came to Austin when the Legislature did convene [January, 1901] and talked with my friends and I said to them, as I said to them this time, that I did not want any friend of mine to say to the world that in his opinion I had ever done anything that required investigation; but I said to them, as I said this time, that if any of my enemies proposed a resolution

of the right kind then I want my friends to vote for it. In other words, if my enemies are willing to charge me with misconduct then I want my friends to insist upon their having an opportunity to prove it. With that understanding my friends went into the Legislature. * * * And I said to my friends, "Rub out this 'it is charged,' and write instead of it, 'whereas, D. A. McFall, a member of this House from Travis county, charges,'" and they did. I made that suggestion. My friends all readily assented to it. Many of my friends at that time, indeed, a large majority of my friends, were not in favor of having any investigation *even if my enemies proposed it.* * * * I said to my friends then that *if it was not investigated it would become a sore place in politics of this State*, and that men would lie about it for twenty years to come, *whereas, I thought an investigation would settle it.* They have been lying about it since just the same as if there had been no investigation, and they will probably continue to lie about it, but I really thought then that the Democrats of Texas who wanted to know the truth would be satisfied with it when they did know it, and I insisted that my friends should vote for the resolution of investigation. It was proposed and as I recall, the only change made in it at my suggestion, was the change which struck out the indefinite and anonymous form of "Whereas, it is charged," and inserted in lieu of that, "Whereas, D. A. McFall, a member of this House from Travis county, charges," and with that change I insisted on my friends voting for an investigation. [Why then did he oppose an investigation in 1907, and finally submit to it, *when forced to, only on condition that some one should assume the responsibility of making specific charges?*]

I insisted this time that there must be somebody to make charges and that there ought to be some tender of proof, some assurance that they could prove what they were charging. *And I was moved to do that for the sake of Texas as much as for my own sake.* This is the only one of the Southern States that has ever investigated a Democratic Senator, and we have done it—this is the second time, *and the marvelous thing is that I am the man investigated both times, and there never lived a Democrat who had served this or any other state for sixteen years whose record was as much above suspicion of self-interest as mine*, and it was an infernal infamy that a lot of anonymous slanderers were permitted to come to this Legislature *and lie about me like dogs as they were.* I felt that I was entitled to have them not only to make a charge but to say they could prove it. [We tried to put the innocent and much abused Senator on the stand and prove the charges by his own lips but he pleaded his constitutional right *against self incrimination.* Now he says that the charges, if true, only involved questions of "propriety."] I knew they would be liars if they said they could prove it, for I knew no living man could prove any misconduct against me. That was my position then and that is my position now. The State of Texas is interested in this as well as I am. We have been reputed for years to have not only the

best Democracy in this nation, but the cleanest, and to present to the world the spectacle of men in our own party slandering men who have been honored by the Democracy of Texas and a man who had been faithful to that great trust, was to my mind *an inexcusable outrage*, and I felt that the Legislature ought not to hear an accusation of that kind unless the men who made it were ready to say that they could prove it. I thought so then; I think so now and the people of Texas will think so when this investigation is over. That was my position about the investigation. Now, the investigation of a United States Senator is no light proceeding. It has never occurred, as I said a moment ago, before in the history of any Southern State. [*Bailey seems absolutely blind to the fact that he is the first Southern Senator whose conduct has required investigation.*] Such a proceeding as this has never occurred in the history of any state, and that we, the greatest of all States, with the purest and most undefiled Democracy, that we should drag our men through the slime and filth of slander and then at the end no living man able to testify to *a single act of impropriety* has never before been paralleled in the history of this or any other State. [What an ego maniac!]

I knew they did not have any paper with my name signed to it, [Because Pierce and Francis had returned to him his \$1,500 draft and his \$3,300 receipt for the very purpose of returning his signature] that would embarrass me in the least or that would contradict anything I had ever said to the people of Texas, consequently I had no apprehension on that score.

BAILEY SAYS THEY DID NOT ASK HIM ABOUT HIS "LOANS" FROM PIERCE.

The witness Bailey (continuing, p. 867)—

Q. Now, among other things here this time it is charged that you concealed at that time from the committee your connection with H. C. Pierce and concealed from the Committee the fact that you had procured from him the sum of thirty-three hundred dollars. State in the first place, Senator Bailey, whether or not you were asked as to whether Mr. Pierce had loaned you any sum of money, and if you were not asked that question, state why it was that you did not tell the committee about this loan from Mr. Pierce to you.

A. I was not asked about it. *It was not an issue in the case and neither I nor any other man thinks it necessary when one transaction is assailed for him then to lay down before the people of this State or the people of all the States an inventory of all the transactions he has had.* And, Senator Odell, a moment's reflection would teach any sensible man not only the injustice of that to himself and to those with whom he dwells, but the danger of it. Suppose that when one of my transactions were challenged I would undertake to detail all my transactions to the committee and I would overlook one of them, as the most honest and the most careful man will do. Then when they

would find that one that I had not detailed *they would swear until they were black in the face as negroes* that there was something wrong with that transaction, and, therefore, I concealed it. It is not only nonsense to call upon a man when challenged with respect to one discussion that he come in and lay down before the committee or before the public all other transactions, but if you happen to make a mistake in that, then his enemies would have an advantage of him and they would get that advantage of even the most honest man. In this very controversy here I have never discussed any transaction except when that transaction was challenged. That transaction being challenged I have discussed it before the public. I have done it much against my will. Many of my transactions had no more to do with politics or with legislation or with the action of the departments of the government *than they had to do with the superstition of the ancients*, and yet I have been compelled to stand before the public, *take and open the books* and show where I got money from, and they have even gone into my horse trades and dragged them out and exposed them to the public. [As to his "books" it will be noted that he and his lawyers declined to show *the scratch of a pen or pencil from his books or his documents*, except as to the Gibbs land deal, in these transactions, *although they were asked to produce everything.*] It is a gratification to know that they have not found where I cheated anybody in a horse trade yet, and that is a record that not many men can make, if he makes many horse trades, but the absurdity of the proceeding is apparent to any man, and I did not then when challenged about my business, charged with having business with the Waters-Pierce Oil Company, I did not say anything about my business with Mr. Pierce, any more than when challenged about my business with Mr. Pierce I would have said anything about having business with B. F. Yoakum, John H. Kirby or anybody else. It is enough for me to meet each transaction when it was challenged.

* * * I was not the Democratic nominee, although a number of the members of the Legislature had been instructed for me—but I had not been nominated then as I was this last time. [*He saw the storm approaching this time and was careful to take cover under the Democratic primary nomination as provided in the Terrell election law.*] I put it into this record that if the Waters-Pierce Oil Company had sought my legal services about any transaction which it was proper for a lawyer to conduct that I would have accepted their employment and would have taken their fee. Now, it is absurd and no sensible man for a moment can tolerate the suggestion that I had acted as its attorney, then denied it, and in the next breath stood up and avowed my willingness to act as its attorney. It is absurd on its face and the only reason I said I did not act as the Waters-Pierce Oil Company's attorney in that matter was that that was the truth and I say now that I would have borrowed that money just as quick from the Waters-Pierce Oil Company as I would have from Pierce, and if I had borrowed it from the Waters-Pierce Oil Company then when

they challenged the transaction I would have said, "Yes, I borrowed it, and borrowed it because I needed it," and I would have borrowed it from anybody that had it to loan at that time.

Q. Then, Senator Bailey, you treated this item of thirty-three hundred dollars from Mr. Pierce to you as a personal and private matter now under investigation.

A. Precisely so, and I did not think then, and I do not think now, that the people of Texas have any right to call on one of their Senators to open his books for their inspection of his private business and I think that whenever the Democrats of Texas reach the point that they do demand that of their Senators they ought to get them another Senator, and the people of Texas today do not demand any such thing of me as I am being compelled to give before the committee. [Why then did he not permit the legislature to refer the issues back to the people of Texas as we repeatedly tried to do and why does he not now resign and submit the issues for final arbitrament to the people?] I make no criticism of the committee. The Legislature has ordered the investigation and the committee is conducting it, as I believe, with the intention of arriving at the truth, *but there is not a gentleman on this committee whose mind does not revolt at the suggestion of having me compelled to sit here and tell about my business relations and transactions when they know they had absolutely no reference to politics or legislation, and the people of Texas have not reached the point yet that they think their Senators have to be stripped in full view of the public in order that the public may know that they have nothing ill-gotten concealed upon their persons.* [When the charge is made that a Senator has "ill-gotten" gain "concealed upon his person," and said charge is being investigated, *if the Senator is innocent why should he refuse "to be stripped in full view of the public?"* * * * The gentlemen who composed that committee were then, and are still, with one exception, high-minded men. And I say there is one exception, because he has stated that it was a white-wash, and that is ex-Senator Decker. *[It seems no man can be "high-minded" unless he truckles and fawns on his royal highness. Would not Bailey have made a splendid success as an over-lord ruler of some petty province in the kingdoms of Feudal Europe? There he might have lorded over all to his heart's content and have beheaded with impunity any unruly subject who might have committed the unpardonable crime of differing with his lord and master.]*

DEATH OF ATTORNEY GENERAL SMITH AND JUDGE D. A. MC FALL.

The witness Bailey (continuing, p. 871)—I remember it [the funeral of Attorney General Smith, March 16, 1901] now very particularly because this attack on Tom Smith is what killed him, as his Doctor says. [The death of Judge D. A. McFall was said also by his physician, Dr. Wooten of Austin, to have been hastened by Bailey's attacks on him because of his connection with the effort to in-

investigate Bailey's trust connections in 1901. Mrs. D. A. McFall, his widow, a most highly respected, cultured and patriotic woman, *faithful to the memory and to the ideals and convictions of her deceased husband*, believes also Judge McFall's death was hastened by the cruel thrusts of Bailey and Bailey's partisans. Thus we see that Bailey's fateful "loan" of \$3,300, from a wealthy stranger to an insolvent politician, on April 25, 1900, was the beginning of a course of events which have since resulted not only in shame and disgrace to Texas, *but in premature death itself to two of her public men.*]

HISTORY REPEATING ITSELF; OR, DAVID AND GOLIATH.



"There will be no investigation, because there will be no man in the Texas Legislature that will be willing to stand up and say that he can prove anything to my discredit."—J. W. Bailey at Graham, Texas, Dec. 31st, 1906.

"I want to look the man in the eye who will file charges against me."—J. W. Bailey in addressing 30th Legislature, Jan. 17th, 1907.

But he never did!

CHAPTER XXVII.

BOSS BAILEY IN ERUPTION.

A WOULD-BE "SHOTGUN" CAMPAIGN.

On page 913 (Bailey Invest. Com. Rept., 1907) will be found these words as they fell from Bailey's lips:

"I think I deserve great praise for not taking a shotgun and killing them ["my enemies"], and if I could have gotten around, *that is what I would have done!* I would give my seat in the Senate tomorrow if I could settle with them all at once."

"MY ENEMIES."

"We are going to bury them *face down*, so that the harder they scratch to get out, the deeper they will go towards their eternal resting place. If I live, not one of their kind will ever again disgrace the State of Texas by holding office under its authority. *I will not forgive them this side of the grave.*"—J. W. Bailey's Concluding Speech to the 30th Texas Legislature.

THE ROGUES' GALLERY.

"In my home I intend to put the photograph of this Legislature. Two pictures will embrace that photograph. Over the one I am going to write: 'The Roll of Honor;' over the other I am going to write: 'The Rogues' Gallery!' *I am going to swear my children never to forget the one or forgive the other.*

THE PEOPLE'S GROUP.

Following out the suggestion contained in Bailey's declaration of "relentless retaliation," but not in the same spirit, the author has secured and now presents the following photographs of those members of the 30th Texas Legislature who refused to bow the knee to this would-be modern political Baal by refusing to vote him an exoneration on charges that had practically all been proven true.

Instead of denominating it "The Rogues' Gallery," however, (albeit, it has been said that should Bailey place the picture in his home as he threatened to do, it would in truth and in fact be hung in the "gallery of a rogue"), we believe that those who opposed this spotted Senator from Texas are entitled to the designation, "The People's Group."

BAILEY'S FAMOUS "HATE SPEECH" AND HIS SUBSEQUENT SO-CALLED "PEACE PROCLAMATION."

On the night of February 27th, 1907, when the lower House of the Texas Legislature, after a stormy session in which *the Bailey par-*

THE PEOPLE'S GROUP

Being the Anti-Bailey Members of the 30th Texas Legislature.



THE PEOPLE'S GROUP

Being the Anti-Bailey Members of the 30th Texas Legislature.



THE PEOPLE'S GROUP

Being the Anti-Bailey Members of the 30th Texas Legislature.



Joe Holshouser



F.E. Johnson



W.A. Trenchman



G.J. Jennings



D.M. Reedy



Lt. Gov. A.B. Davidson



John T. Browne



John T. Curry



J.C. Kindred



S.R. Crawford



H.B. Savage



F. Werner



G.A. Bell



S.W. Dean



Joe A. Adkins



W.E. Orgain



M.G. Jackson

THE PEOPLE'S GROUP

Being the Anti-Bailey Members of the 30th Texas Legislature.



tisans refused to refer the whole issue of Bailey's guilt or innocence back to the people, and after they had voted him "innocent" of all the charges which he himself had admitted, under pressure, as true, Bailey was forthwith invited, without adjournment for supper, to address the Legislature. A Committee was appointed to escort him from his rendezvous in the State House to the Speaker's stand. Presently they appeared bearing their idol upon their slavish shoulders. Then it was he proceeded, as the invited guest of the assembly, to pour out the venom and bitterness that was rankling in his heart. It came in molten torrents, gushing and unrestrained. "Out of the abundance of his heart" did his tongue speak forth in relentless fury. The mask was completely torn off that fateful night, and then was revealed to Texas and to the world the real character of the man, undisguised and unrestrained; then it was, had he possessed the power so to do, as did the leaders in the French Revolution, that Bailey would have gladly, cheerfully, enthusiastically, annihilated the last man of those fifty-eight members who refused to vote him an exoneration before having an opportunity to read the evidence adduced at the investigation just closed.

DID BAILEY OR BAILEY'S LAWYERS WRITE THE VERDICT?

The report of the four majority members (out of seven) of the House Committee, *which report admits practically all of the facts, but denies that Bailey delivered the goods to those who had paid him his price*, was written in Bailey's private apartments at the Drisikill Hotel in Austin, *and the type-written work was done and completed in Bailey's bed room about two o'clock in the morning.*

Bailey and Bailey's lawyers were present. The official stenographer took down the dictation in one of Bailey's rooms while the man who handled the typewriter *had his machine in Bailey's bedroom.* The official stenographer would take the dictation and then come back into the bedroom and read it off to the typist. The latter worked for the Author some months afterwards and told him of these facts. He said he could not tell just who was dictating the report—whether Bailey, Bailey's lawyers, who were present, or some member of the Suppression Committee. What would the people of Texas think of a petit jury, trying a man for murder or treason, should said jury go to the office of the defendant's lawyers, *indeed, to the private apartments of the criminal himself*, and there, in the still hours of the night, in the presence of the culprit, have the latter's attorneys write their verdict of acquittal? When, oh! Texans, will you arouse from this terrible scene and throw off the galling and corrupt yoke of this vile dictator!

BAILEY CRIES FOR PEACE, CONDITIONAL PEACE, BUT THERE IS NO PEACE.

In order to avert the storm that afterwards broke loose in all its righteous fury in the matter of Bailey's candidacy for delegate at large to the National Democratic Convention at Denver in June,

1908, Bailey issued from Washington, in January, 1908, his so-called Peace Proclamation. In it, however, he proposed peace only for those private citizens who might have theretofore made bold to criticise, even in the privacy of their own patriotic hearts, the misdoings of their lord and master. Upon those members of the 30th Legislature of Texas who had faithfully sought to purify the politics of this State, and through whose efforts he himself claimed to have been exonerated and proven guiltless, he continued to declare "war to the knife and knife to the hilt." The "Hate Speech" and the "Peace Proclamation" are now presented in parallel columns. Compare them:

BAILEY THEN AND NOW

EXCERPTS FROM ADDRESS TO HOUSE
OF REPRESENTATIVES LAST
FEBRUARY.

VIEWS CONTAINED IN STATEMENT
ISSUED IN WASHINGTON SEV-
ERAL DAYS AGO.

USES WORDS OF HATE

DESIRED PARTY PEACE

DECLARED THERE WOULD BE A FIGHT
THIS YEAR, WITH FENCE-
RIDERS BARRED.

SAYS HE ONLY WENT TO WAR WHEN
HIS ENEMIES FORCED THE
FIGHTING.

HE WOULD EXCEPT TWO MEN

RELIED ON VINDICATION

Everybody from the Governor Down to Go
Except State Treasurer Sam Sparks.

Hopes His Friends Will Not Raise the "Bailey
Issue" When It Is Avoidable.

In connection with Senator Bailey's statement, reproduced in this issue of *The News*, the following excerpts from the speech which he delivered before the House of Representatives at Austin on the night of Feb. 27, 1907, will be found of interest:

"The conspirators against the people's will have been taught a wholesome lesson (applause), and not within the living generation will they ever again be tempted upon a course like that they have pursued. Mark my words! Not one of the men who organized and who sought to accomplish this conspiracy will ever again wear the honors of Texas Democracy. (Applause and cheers.) They can not be trusted (applause), because a man who will betray the people's trust would betray the Republic itself if Hessians were for hire, and they are fit associates for men like that. (Applause). * * *

"They honest! Not an honest drop of blood courses in their veins. (Laughter

The following statement with reference to political matters in Texas, given by Mr. Bailey in Washington several days ago as forecasted by *The News*, and published in the Fort Worth Record yesterday, is reprinted in *The News* (Jan. 15, 1908):

To the Democrats of Texas: Since my enemies have made a public announcement of the plans and purposes of their organization, I have received many letters asking for an expression of my views as to the course which my friends ought to pursue. In order to save the time which a separate answer to each would require, and in order that all men may understand my position, I have determined to write one answer to all of those letters and to make that answer public.

Before stating what action I think my friends ought to take, perhaps it would be well to review the circumstances which render it necessary for them to take any action at all; and I am influenced to do

(Continued from 1st column)

and applause and cheers.) They say that is bitter speech. I intend it to be bitter. If I might borrow a sentiment from the great infidel, Robert G. Ingersoll, I would say that I sometimes wish that I might possess words of pure hate, words that would writhe and hiss like snakes, for only then could I express my opinion of the men who organized and conducted this conspiracy against the good name of Texas. (Applause.) * * *

FOR FIGHT THIS YEAR.

"If you think we are not to have a fight next year you are mistaken. They intend to control, if control they can, the delegation to the National convention. I invite that contest, and if I live I will devote my best energies to seeing that not one of their kind goes as a delegate to the National convention from the State of Texas. (Applause.) If I live not one of their kind will ever again disgrace the State of Texas by holding an office under its authority. (Applause.) They made this contest. Now let them abide by its consequences. Call the roll. Every man who voted against me in the beginning voted against me here today. I have not examined the roll call. I may be mistaken in some honorable exception, but I would stake my independence on it that the vote today is the same as the vote before the investigation. (Voices—All Except Peeler.) Well, I want to say 'God bless him,' that John Peeler has always acted like an honest man. (Applause.) He obeyed his instruction. How many of the other crowd can say the same? (Laughter and applause.) * * *

"They think to destroy my usefulness. They hope to destroy my usefulness. But, thank God, my usefulness is above their power to destroy. (Applause.) * * *

"I want to record a prediction here tonight. Out of the forty men that voted against my exoneration in this Legislature not four will be back in the next Legislature. (Applause.) I want to record another prediction: That more than one-half of them in less than four years will be outside of the Democratic party, where they belong. They will be leading the Independence League or they will be going back to reorganize the Populist party,

(Continued from 2d column)

this all the more by the fact that my enemies are charging me with the sole responsibility for this factional contest.

I pretermit all discussion of the origin and motives of the fight against me; but I will say that if all the charges which were made against me in the beginning of that fight had been true, they raised only a question of propriety. That question of propriety, had it been based upon correct allegations, might have justified any Democrat in voting against my nomination; but could not have justified any loyal party man in attempting to defeat me after I had been nominated. My enemies recognized that their original charges did not touch my personal or political integrity, and consequently when called upon to reduce them to writing they supplemented them with a series of additional charges, every one of which was proven by their own witnesses to be utterly false.

REVIEWS WARFARE.

After I had been nominated with practical unanimity at a Democratic primary, indorsed without protest by a Democratic State convention and elected with an overwhelming majority by a Democratic Legislature, the contest ought to have ended, and would have ended if my enemies had been actuated by any feeling which took into consideration the welfare and the honor of our State. Instead, however, of permitting the election to terminate the contest they pursued me through a six weeks' investigation, which demonstrated beyond all shadow of doubt that their charges against me were without any reasonable foundation. I did not complain because my enemies insisted upon that investigation. Indeed, I am frank to say that after they had made their charges before the Legislature, I felt that it was due to me, as well as to the State, that a thorough investigation would not only completely vindicate me, but I further believed that it would satisfy all reasonable men that the war on me was without excuse, and thus end the factional strife within the Democratic party. But before the investigation was half completed, both myself and my friends realized that this hope was to be disappointed. As soon as my enemies found that they could

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which they have left. (Applause.) Confirmed and incurable Populists, some of them, they could never agree to do justice to a Democrat. I do not wonder at that. In the old days when they assailed the Democracy of Texas I defended it, and in their hearts they hate me for that. They got them a suit of Democratic clothes and stole back into the Democratic camp and secured a Democratic office, only to betray a Democratic constituency. There are some honorable exceptions, but I can count those exceptions on the fingers of my hand and then have enough fingers left to count them over again. (Laughter.)

TO AMEND ELECTION LAWS.

"My countrymen, I will never rest until I see the election law of this State amended so that no man can have his name put on the primary election ballot as a candidate for the Legislature without recording a solemn written pledge that he will obey the instruction which the people give him in that primary election. (Applause.) If we are to have the people elect their Senators, let us see to it that they can never be betrayed. Let us see to it that the man who seeks the people's suffrage is willing to pledge himself to execute the people's will. This Legislature ought not to adjourn until it has amended Section 124 of that election law so as to make it impossible for a man ever again to accept the people's office and then violate the people's instruction. * * *

"I had intended at the end of this Senatorial term to retire, because when I shall have completed it I will have given to the service of Texas twenty-two of the best years of my life. But the war these infidels have waged on me has changed my purpose (applause and cheers), and I never intend to retire until all of them are safely buried, politically speaking. (Applause and cheers.) However, I do not agree to retire when they are buried, because if I did I would have to retire at the expiration of next year. (Laughter.) They have made their own graves. We are going to lay them gently in those newly made graves. We are going to bury them face down so that the harder they scatch to get out the deeper they will go toward their eternal resting place.

(Continued from 2d column)

not produce any testimony which would reflect upon my public service or my private character they began openly to assert that they would continue to fight, and declared that as soon as the committee reported in favor of my exoneration they would begin organizing to elect men to the next Legislature pledged to vote for a resolution demanding my resignation as a Senator from Texas. It was in response to those open and repeated threats that I declared in my speech before the Legislature following the adoption of the committee's report that they could have all the fight they wanted this year, and that it should be a fight all along the line. Many of the men who insist that this declaration of mine is responsible for the existing conditions do not know the facts and are, therefore, honest in their misstatements. They know what I said to the Legislature, but they do not appear to know that my declaration was in response to what my enemies had been saying for several weeks. I did not issue a challenge; I merely accepted one which had already been issued. [No such challenge or such talk had in fact been indulged in by Bailey's opponents pending his so-called investigation. This charge on his part is just a "straw man" set up by him as an excuse for his own belligerency.]

VIOLATING INSTRUCTIONS.

It is perfectly true that before that time, and since that time I have contended that no man should ever be elected to a public office who had violated the positive and specific instructions of his constituents. My contention, however, in that regard was not a personal matter. I have always believed, and I now believe, that the right of the people to instruct their representatives is essential to their security as freemen. I regard that as a vital and fundamental principle of this republic, and its faithful maintenance is of supreme importance to the safety of the Government and the happiness of the people. That principle is infinitely more important than the fortunes of any man, and we must not permit its violation either out of blind devotion or blind hate toward individuals. To disobey an instruction which the people have coupled

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(Laughter and cheers.) At their heads we will write this epitaph: "He tried to destroy an honest Democrat and destroyed himself in making the attempt." At the footboard we will write another—not an epitaph. We will write rather a legend there:

"We know not whence he came, but we do know where he has gone." (Applause, cheers and laughter.)

ON ONE SIDE OR THE OTHER.

"My countrymen, let us not be hypocrites. They have drawn the line. Let us take our place on the side of Christian Democrats while they take their side with the infidel Republican and Socialists, and let us teach every man that he must fight on one side or the other. There is no place hereafter in the politics of Texas for the fence rider. The man who tries to fight between the lines is certain to be killed. A straddler was never a Democrat and never a safe legislator. In a contest like this men are either right or wrong, and to quibble over whether you will vote the exoneration today or a week from today is unworthy of sensible and honest men. * * *

"In my home I intend to put the photograph of this Legislature. Two pictures will embrace the photograph. Over the one I am going to write, 'The Roll of Honor,' and I am going to put you men there. Over the other I am going to write 'The Rogues' Gallery' (applause) and I am going to put there the pictures of the men who have betrayed the Democratic party of Texas, and I am going to swear my children never to forget the one or to forgive the other. (Applause.)

"The old bitterness and division which resulted from the unhappy struggle between Hogg and Clark will be long forgotten before any of us forget this. * * *

"There are more States than one from which I might reasonably hope to be elected to the Senate of the United States but there is but one in all the Union which I love to represent, and that is the greatest of them all, the imperial Commonwealth of Texas. (Cheers.) I represented it for six years. I will represent it for eighteen years longer. (Applause.) I now declare that while I would gladly stand aside for one of my friends I will

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with all office is, to my mind, the most unpardonable of all political sins, and when I have appealed for the punishment of men who are guilty of this great crime against free government, I have done so without any thought of how it might affect me personally or politically. So far as we must have a contest involving the right of the people to instruct their representatives to obey those instructions, I cheerfully accept the full responsibility. Further than that, however, I did not desire to go, and I would not have advised or encouraged a contest beyond that. While I regard every instruction received from the people as so binding upon the conscience of a legislator that he must either obey it or resign his office, I feel that there was a peculiar sanctity in the instructions for the election of a Senator. The Legislature of our State had provided by statute for that instruction, and the party organization faithfully endeavored to execute the law. If an instruction thus solemnly given under the sanction of the law and according to the formality of the party organization can be disobeyed with impunity, what right have the people to expect an obedience to their will in less formal instances?

DANGEROUS EXAMPLE.

The attempt to excuse some men for violating their instructions upon the ground that other men have not carried out the platform demands tends to make a bad matter worse. Even if the analogy were sound, that argument simply emphasizes the danger that I have just pointed out when I state that if one offense is excused, then other offenses will be encouraged. The analogy, however, between a platform demand and a specific instruction is not sound. Certainly, every platform demand ought to be carried out to the letter, but it must happen, and frequently does happen, that a certain platform demand is adopted by a bare majority over the protest of the people of certain counties; and the Representatives from those counties in voting against such platform demands are voting really the sentiments of their people. I do not justify that course; because, I believe that when the party as a whole has decided upon a policy it is the duty of

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never stand aside for one of the State's enemies. * * *

"I want to remind my friends here of a circumstance. You will find these men who voted against me declaring when they get back home that they were not anti-Bailey men. I have had that experience. I had it back in the old Fifth Congressional District. They lied about me up there—not as viciously as they have done down here, because that class of people were incapable of this class of lying (laughter), but they told many things that were not true. Do you know how we broke them up? Why, we got so that we would not let one of them go to a precinct convention; we would not let them be elected a Justice of the Peace, and that made Christians out of them on the spur of the moment. (Laughter.) Now, let us try that on these other fellows. Never let them go to a convention. You can not trust them. Didn't they betray the party in this instance? Will they betray it in the next? I am by that kind of a Democrat like the Indian was about the white man. He said: 'If the white man cheats the Indian once it is the white man's fault, but if the white man cheats the Indian the second time that is the Indian's fault.' (Laughter.) These men have betrayed the party once. That is their fault. But if the party ever puts them in a position where they can betray it a second time that is the party's fault.

GOING TO LINE UP.

"We are going to line up next year. Well, we won't have any contest over the Governor. He is all right. But from the Governor down, including the Lieutenant Governor. (Laughter and applause). A Lieutenant Governor who, as the presiding officer of the Senate, will give a majority of a committee to a minority of the Senate ought never to be trusted with that high office a second time. (Applause.) It was never done before. It will never be done again, in Texas. Mark my word for it. We will teach him a lesson. He needs it. He will get it, as sure as God lives and rules the universe. I have a letter written to me before the Senate convened, in which I was warned that the Lieutenant Governor

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every part of the party to acquiesce in and support that policy. But the offense of failing to carry out a platform pledge, when compared with the greater offense of violating an instruction of the people, is as a misdemeanor compared with a felony.

Immediately after the report of the investigation committee was adopted I left Austin for Washington, so that I might be here to take the oath of office and enter upon my new term, in case the President convened Congress in extraordinary session. No call for an extra session was issued, and in a few weeks I returned to Texas upon the invitation of the people of Fort Worth and Gainesville. At both places I addressed my fellow citizens but at neither place did I do or say anything to encourage or intensify a contest within the party. At Fort Worth I dwelt but briefly on the fight against me, and at Gainesville nearly all I said on that subject was an arraignment of the men who had refused to obey the instructions directly and specifically given them by their constituents. I returned to Washington after the Gainesville speech to be with my family until my younger boy was out of school, the first week in June, and during that time my friends sought to allay rather than to keep alive the issue, which they felt had been settled by my legislative exoneration.

AGAIN DESIRED PEACE.

They studiously avoided, wherever they could do so with proper self-respect, injecting the issue between me and my enemies into the municipal and other elections last spring, and for that course they were taunted in some cases, while in other cases their conduct was proclaimed as my defeat. For instance, at McKinney, where my friends are in an overwhelming majority, a man was elected Mayor who has for fifteen years been opposed to me. The question of Bailey or anti-Bailey was kept out of the campaign, and yet immediately after the election was over the result was proclaimed throughout the State as an anti-Bailey victory. At other places substantially the same thing happened, and those who read the newspapers will recall that these elections were paraded as anti-Bailey victories, while in-

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was going to pack the Senate committee on investigation. He did it. I will pay him for it. If God lets me live, I will pay him for it. (Applause.)

"I owe no grudges that I have not tried to pay to my enemies, and I owe no obligation that I have not tried to pay to my friends. I think the greatest virtue in this world, next to devotion to your principles, is fidelity to your friends, and I think the next greatest virtue in this world is to take care of your enemies. (Laughter and applause.) I warn you now. I have had some experience about these things. I warn you now that the man who does not hate his enemies never loves his friends. A man who is always trying to make up with his enemies is always falling out with his friends. They say I ought not to do this, that that is what makes so much trouble for me. Well they have not made any more trouble for me than I have made for them. (Applause.) Nearly all of those who have been trying to make this trouble for me have got 'ex' before their names, and those who have not got it will have it just as soon as the people get to them at the next election. (Applause and laughter.) * * *

WILL NOT FORGIVE.

"I do not despair. Although the iron entered my soul, it has not lessened my faith in the integrity and intelligence of my people. (Applause.) And tonight I can breathe about my country's altar and I can breathe as fervent a prayer for my country's safety and my country's glory as I could when all men acclaimed me with their applause. I am only wiser—I hope, a little better; and yet I am not so tried to meekness that I pretend to forgive the men who brought this battle on. I will not forgive them this side of the grave, not because they assailed me with injustice and falsehood; I might forget that; but they made a furious attack upon the authority and integrity of the Democratic party in the great State of Texas. (Applause.)

"There was never an hour when such an attack could be so little excused, for there was never an hour when Democracy needed the united voices of all her sons as she does today. We are standing

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sulting telegrams about them were first sent to me and then reproduced in the public prints. But even under those provocations my friends still refused to engage in a factional strife and made no attempt to effect an organization which their superior numbers would have made invincible. Their example, however, was not followed by my enemies, who were busy nearly all of that time in different parts of the State, and their activity finally culminated in the Dallas dinner, which is conspicuous as, perhaps, the only occasion in the history of Texas whose single purpose was to cultivate hate and promote faction. At that dinner speeches were made and resolutions adopted not only proscribing me, but also proscribing my friends. Still anxious to avoid a fight within the Democratic party, my friends took no steps looking toward an organization and continued to act upon the belief that the sincere and intelligent Democrats of Texas would absolutely annihilate a miserable faction which refused to let us have peace.

NO ORGANIZATION.

I traversed the State for months, defending myself against the false and unjust accusations which had been made against me and performing in other respects what I conceived to be my duty to the Democratic party, but I did not at any place attempt to organize my friends, and I left Texas to attend the present session of Congress without the slightest semblance of an organization. I had hardly passed beyond the borders of the State, however, when I found that my enemies had organized a committee, established headquarters and were canvassing in every county and community of the State for members of a miscalled "Democratic club," whose only object they frankly avow is to prevent my election as a delegate to the National Democratic

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upon the very verge of a great contest for the highest office within the gift of this Republic. The Presidency itself is the prize for which we fight, and who can measure the crime, who can describe the infamy of men who would divide our strength and distract our counsels in an hour like this? On every side, aye, in every town and village in this land, the Republican party is marshaling its hosts for battle and for victory. In their hearts they have their hates; in their minds they have their differences, but who hears a discordant note arising from the ground upon which our great and ancient enemy pitches its tents tonight?

"For ten years, I grieve to say, Democrats have seemed to hate each other worse than they hated Republicans. * * *

"But while I sermonize upon the value of unity, do not understand that I beg for unity at the expense of conviction. My whole plea is this and only this: That if men can not behave like Democrats in the Democratic party, let them get out of the Democratic party and stay out. * * *

CONTRAST AS TO FIDELITY.

"Now I want in conclusion to contrast my attitude and my fidelity with the attitude and fidelity of those men about whom I spoke. If, perchance—which God and the Democratic party forbid—but if perchance, one of them should be given a Democratic nomination, I will give him my cordial and enthusiastic support. (Applause.) I will not support him as a man; I will support him as a Democratic nominee. Next year, when the great and embattled hosts are arrayed, you will find them in the rear out of the danger of the enemy's shot, still mouthing against what they are pleased to call the shortcomings of their brethren. Look where they will be and then look where I fight. I will be fighting in the foremost of that battle and where it rages the fiercest. (Applause.) I would say to them as a French King said—"

At this juncture some one handed Senator Bailey a note. He read it, smiled and then continued:

"One of my friends says that I ought to say that when this fight comes from the Governor down, that I ought to ex-

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convention. I had never expressed any desire to be a delegate for the place until the conduct of my enemies forced me to do so or appear to shrink from a test of strength. This plain statement of facts must satisfy every fair-minded man where the responsibility for this disgusting and senseless strife must rest.

In order, however, to moderate this condition so far as possible, I advised my friends not to make this fight against me an issue in any contest except where they are compelled to do so by the other side. The people of Texas should select their State officials, Judges, District Attorneys, Sheriffs, Clerks and other officers with reference solely to the fitness of each candidate for the place which he seeks. The friendship for me or enmity toward me of any candidate is not a fair test of his qualification for office; and all candidates should be judged by the time-honored Democratic standard of honesty, capacity and fidelity to the party's principles and nominees. Of course, there will be exceptions to this rule, as there are exceptions to all rules. It will be utterly impossible to eliminate the so-called "Bailey issue" from the legislative contest, because my enemies are everywhere seeking to elect candidates who will vote to demand my resignation; and my friends will be compelled in simple self-defense to meet that issue.

ATTORNEY GENERAL.

Nor is it possible to avoid the "Bailey issue" in the Attorney General's race. The candidacy of the present Attorney General for re-election might not under ordinary circumstances be a direct challenge to my friends, but when we consider the personnel of the conference which preceded the announcement of his candidacy, and the subsequent statements of those who attended that conference, no one can escape the conclusion that Davidson's can-

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cept from it my good friends, like Sam Sparks and others. There will be a fight, but they will be fighting against Sam Sparks and we will be fighting for him (applause), for he is as true and as loyal a Democrat as lives. We will fight only against the men who fight against the Democratic party and the nominee and I thank my friend for calling that to my attention. The other fellows will be fighting that kind of Democrats and we will only be fighting their kind of Democrats.

"As I was about to say in conclusion, I would call all Democrats, whether they love me or hate me, whether I love them or hate them; I would call on them to follow me. * * *

(Continued from 2d column)

didacy is a direct anti-Bailey proposition, and so intended by those who are promoting it. I so consider it, and I have no doubt that my friends will do the same. With these exceptions and others like them aside, I hope my friends will not be the first to raise the issue where it can be honorably avoided, but I also hope that where the other side forces it on us we will meet it in such a manner as to teach the Texans of this generation to accept as final, at least until the next election, the action of a Democratic primary in nominating, and of a Democratic Legislature in electing a Democratic nominee to the United States Senate.

J. W. BAILEY.

ODELL, BAILEY'S CHIEF DEFENDER, ADMITS EMPLOYMENT BY OIL TRUST.

(Special to the News.)

CLEBURNE, Tex., March 23. Hon. D. W. Odell has issued the following signed statement:

"CLEBURNE, Tex., March 23, 1908. I will not permit the use of my name as delegate at large to the Denver convention. First, because the honor was accorded me in 1904; second, *the fact of my being an attorney for the Waters-Pierce Oil Company*, in one case would cause the enemies of Senator Bailey to lie about that employment.

"D. W. ODELL."

SENATOR SENTER TELLS HOW LOONEY BROKE FAITH WITH SENATE INVESTIGATION COMMITTEE. (Dallas News, Nov. 10, 1907.)

"On either Friday or Saturday, the 22d or 23d of February, a meeting of the Senate investigating committee was held, and Senator Looney then submitted for discussion a proposal to declare the evidence closed. Senators Skinner, Green, Greer and myself insisted that testimony should be taken at St. Louis, and particularly that the case should not be closed until Pierce's testimony could be had or every resource exhausted to get it. After considerable discussion a plan of action was unanimously agreed upon, which was that on the following Monday Senator Green would offer in the Senate a resolution expressly authorizing the Senate committee to proceed to take testimony outside the state, and if necessary to take the depositions of Pierce and other outside witnesses. Senator Looney was to offer a substitute for this directing the committee to close the testimony and conclude the investigation. It was agreed by all members of the committee present that it was advisable to have little friction as possible over the question, because of important measures then pending before the legislature, the fate of which might be affected by hot dis-

cussion of the Bailey matter, and in order to prevent this all of us agreed to abstain from any debate upon these two resolutions, and with this understanding, assented to by all present, Mr. Looney being one of the principal movers to this end, we adjourned.

LOONEY MOVES TO DISCHARGE SENATE COMMITTEE INSTANTER IN ORDER TO AVOID AN ADVERSE REPORT BY THE MAJORITY OF SAID COMMITTEE.

"I heard nothing more about the matter until about 15 minutes before the Senate met on Monday morning, February 25, when I was advised by Senator Green that he had just learned that Mr. Looney, instead of offering the resolution agreed upon, was going to offer a resolution discharging the committee without a report, and declaring Bailey exonerated. I was dumfounded by this news, and entered my protest upon the floor of the Senate. I then believed and still believe that Mr. Looney made the agreement he did on the preceding Friday or Saturday in good faith, and that he took this remarkable course at the instance of Bailey himself, who, of course, resorted to this trick to prevent a report unsatisfactory to him, being made by a majority of the committee. This circumstance will serve to show why Bailey is so anxious to put Looney in the attorney general's office. It can hardly be doubted that Pierce or any other man for whom Bailey might vouch would receive all the consideration from Mr. Looney in the attorney general's office that Bailey should ask. For this suggestion I have the authority of Mr. Looney himself. In discussing his resolution, to which I have referred, on the floor of the Senate, he declared in substance that the state was tired of the investigation and clamoring for it to close, that the people were satisfied with Bailey's word; that they wanted nothing more to convince them of his innocence, and that it was sufficient to end the controversy. His attitude with reference to this matter, as well as his conduct throughout the investigation, well entitles him to be put forward by Bailey as his favorite candidate, and equally entitles him to the opposition of every man who is opposed to Baileyism.

HOW SENATOR ROBT. B. GREEN STOOD.

THE SENATE RESOLUTIONS.

"In order that the general public may be fully apprised as to the facts connected with the abrupt discharge of the Senate investigating committee without a report, and Mr. Looney's relation to the matter, I reproduce the two resolutions referred to, the first being offered by Senator Green and the second by Senator Looney.

By Senator Green:

"Be it Resolved, That should the committee heretofore appointed under resolution of the Senate to investigate any charges that might be filed against Senator Bailey deem it expedient, advisable and proper to secure the testimony of H. Clay Pierce, or other witnesses,

or to examine any papers or books beyond the limits of Texas, that it shall have the power to appoint a sub-committee of two to go beyond the limits of this state to such place or places as may be necessary to secure testimony of said H. Clay Pierce or other witnesses, and to examine papers and books. If said Senate committee deem it necessary, it is hereby empowered to take the testimony of said H. Clay Pierce or other witnesses by depositions.

"It is understood that the Senate committee is hereby instructed to do any and all things it may deem necessary in the premises, according to the powers, practice and procedure conferred upon like committees by the act recently passed by this legislature which governs investigations before legislative investigating committees."

By Senator Looney:

"*Whereas*, The investigating committee heretofore appointed has for many weeks been engaged in hearing testimony concerning the personal and official integrity of Senator Bailey; and

"*Whereas*, Said committee has conducted a full and complete examination of the matters and charges alleged against Senator Bailey and

"*Whereas*, The committee appointed by the House and the Senate have conducted the investigation in joint session and the testimony completely and overwhelmingly vindicates and exonerates Senator Bailey, and shows beyond all question the falsity of each and every charge made against him, affecting either his personal or official integrity, and his standing as a man or a Senator; therefore, be it

"Resolved by the Senate, first, That the evidence does not justify the filing of charges; that each and every charge made against Senator Bailey is untrue and without foundation, and that the testimony in said investigation thoroughly exonerates him personally and officially and that he at all times has been an able, honest and courageous representative of the people and loyal and faithful to all their interests.

"Third, *That the Senate committee be and it is hereby by the Senate discharged.*"

And thus was the Senate Committee not only prevented from continuing its investigations, as Senators Green, Greer, Skinner and Senter (a majority of said Committee of seven) wanted to do, but was thus abruptly discharged, *in order to keep four members of the Committee from finding Joe Bailey "guilty as charged."*

"JOE BAILEY MARKED." BY SENATOR E. G. SENTER.

At the organization of the Dallas Democratic Club, January 11, 1907, Hon. E. G. Senter, addressing the meeting, said:

Whenever a question arises in this country which involves an issue of common honesty it can never be settled short of the complete and unchallenged triumph of the moral forces which it calls into action.

It is no new problem with which we have to deal in this State.

It is older than the ancient republics which it overwhelmed, as old as organized government.

Bailey was not the inventor of Baileyism. To him, however, belongs the ignoble distinction of being the first to wage open battle in its behalf in an American State.

Bailey stands and makes the shocking claim that he is an exponent and a chosen apostle of the Democracy which produced such ideals of official cleanliness as Jefferson and Jackson, and Jeremiah Black and Allen G. Thurman, and Tilden and Hendricks, and Gorman and Lamar and Morgan, and Coke and Roberts, and Maxey and Reagan and Hogg, and others of their lofty type.

Let no man underrate the importance of the issue which Bailey's conduct and his re-election and his present attitude have forced upon the Democracy of this State. This is no factional contest. It is not a contest to determine whether friends or opponents of Bailey shall divide the public offices. Beyond and above all matters of political patronage and aspiration looms the question whether this State is to be dominated by a conspiracy organized by Joe Bailey to make merchandise of its laws and their administration, its honors and offices, to fatten his own fortune and reward his favorites.

Every device that trickery could suggest has been involved to conceal from the people the nature and extent of the proof that has been made of the operations of this conspiracy. The agencies of public information have been partly closed, and wherever Joe Bailey's influence runs, the window to this light has been shut to the public. Office holders have been browbeaten, candidates threatened, and even private business has been menaced in a vain attempt to stay the rising tide of public indignation.

But it was not sufficient for Joe Bailey's purposes to merely dominate the Thirtieth Legislature and to write its judgment upon himself. The conspiracy of which he is the head can not survive if any Legislature shall assemble at Austin which he can not control. He needs not only the Legislature, but his extensive business connections require as their chief adjutant an Attorney General who will do his bidding. Davidson does not gee and haw when he says gee and haw. Davidson does not pigeonhole and suppress documents to conceal the truth about Joe Bailey. Davidson does not run the office of Attorney General as an appurtenance of the trusts which are smart enough to adopt Joe Bailey as a silent partner. It became necessary for Joe Bailey to pick another man for Attorney General. Mark well his candidate. Time is too short for me to suggest his many elements of unfitness. It is enough to say that among those in the Thirtieth Legislature who were most zealous in support of Bailey's attempt to hide the truth about himself, B. F. Looney was easily foremost. What a recommendation for the high office to which he aspires.

Would any impartial and thinking man be willing to place in charge of the judicial machinery of the State Government a man who assisted in the suppression of important evidence relating to the most important case that was ever tried in Texas?

This is the record, my friends, and all the perfumes of Arabia can not wipe out the blot it has made upon the name and fame of Texas, and particularly the Democratic party of this State. Those who would fasten upon it the offenses of Joe Bailey would not only make its name a byword and reproach throughout the Union, but they would eternally blast its hopes of victory. Fortunately, we are soon to rally around the standard of a leader whose very name is a household synonym for purity in personal and political life. A Democracy that produces a Bryan should not burden itself with apologies for a Bailey.

Joe Bailey, unmarked, did not get his commission from the Democracy of this State. When he was challenged to send the issue back to the people he cringed and shuddered. Despite his boasts, he dares not face the people of Texas at the polls and he will never face them until he is compelled to do so.

My friends, this is a question which can not wait upon Joe Bailey's convenience and which will not down at the bidding of gum shoe politicians.

The official who directly or indirectly condones Joe Bailey's conduct, no matter upon what pretext, becomes an accomplice after the fact, and the people of Texas ought to put upon him the brand of Baileyism so deep that it can never be effaced.

If any man fears to show his hand upon this question, let him go to the rear where he belongs, but, my friends, let him understand that he will be expected to stay there. When a fight is on for common honesty in public life, every man who owes an obligation to the people is called upon to define his position. If he fails in this highest duty all of his pretensions are but sounding brass and tinkling cymbal.

But, my friends, we do not need the help of the politicians to solve this problem, and to solve it rightly. The people themselves are going to solve it in the primaries. They are going to speak out on the first Saturday in May, and what they say then will serve notice upon the world that Baileyism and Democracy are vitally different and antagonistic things, and in the July primaries they are going to follow this up with an emphatic refusal to install in the office of Attorney General a man whose highest claim upon it is based upon the service he rendered to Joe Bailey.

We are making history and precedent which will be echoed, not only in our own future, but in the future of every other American State for a hundred years to come.

Can any patriot contemplate without a shudder what it means in all the walks of official life of Texas to put the seal of approval upon Bailey's conduct, or to fail to repudiate the attempt of the Thirtieth Legislature to do it? This thought should awake to instant action every patriotic citizen of this State. With such a force in action we need no generals. Let the politicians toy and play with dubious utterances and dissemble and shuffle as their cowardly instincts may

suggest. This is a time that calls for men, brave men, who know but a single word when a question of honesty is at stake, and that word is action. It is up to the people now. Hungry aspirants for the office ought never to be intrusted with the settlement of any issue. The primary law has put the people of Texas in the saddle in Texas. It is for them to pass final judgment on Baileyism. Bailey seeks to challenge their authority, but with all his bombast when they speak in the coming primaries he will hear and he will obey.

We are told that somebody is planning to issue a proclamation of general amnesty to end this controversy by compromise.

Who is it dares to assume the authority to lock up the conscience of 400,000 Democratic voters of this State and to commit the party to a tacit endorsement of Bailey's methods? Whoever he may be, let him understand now that any such attempts will be regarded by every citizen of this State who understands and values his own political sovereignty as a cunning effort to betray the party into the hands of the emissaries who are now scouring this State in behalf of the Waters-Pierce Oil Company and Joe Bailey.

What is there to be compromised? Baileyism is here—a visible, concrete, unholy force. It aspires to control this State from its lowest to its highest office. Every man who votes must either vote for it or against it. He can not dodge the issue without wholly renouncing his political prerogatives. Bailey has made the issue and he himself could not withdraw it without making public confession of his wrongdoing and retiring from politics. Every man who knows him knows that he is exerting all the energies and resources at his command and to gain a seeming endorsement at the hands of the people in the coming primaries. He and his lieutenants are scheming and planning to dupe and delude the public into inaction in order that they may win an apparent triumph while the people sleep. Whoever lends himself to any scheme to lull the people into silence is either an open or secret ally of Baileyism. Speaking for myself alone, I challenge every trickster who is engaged in this conspiracy to come to the front and show his face and his hand. I want no communion with the man who tells me that he is against Baileyism and tells Bailey's lieutenants that he is for Bailey, for I know that when the hour comes that will try men's souls, he will play false to every interest except what he conceives to be his own. I have learned to value men by their deeds rather than by their words. For twenty years I have known most of those in Texas who have been classed as political leaders and politicians. I wish tonight that I could reach the heart and the conscience of every man in Texas who has a heart and a conscience and plant there an undying opposition and contempt for every man who plays politics as a game for what he can get out of it. I wish it were within my power to banish forever to private life every coward who loudly mouths his claims to high principles when there is no present opportunity to demonstrate them and who is ready to make a bargain with the devil when the real time comes for him to show his true colors.

Take my word for it, Democrats of Texas, you need to look well to your office holders, and when you catch one of them running around back alleys with the gumshoe agents of the Waters-Pierce Oil Company or any other trust fixing up in the dark any kind of a political deal the best thing you can do is to fling him into the trash pile to be carted off to the dump.

Compromise? Let every man speak for himself. As for me, whenever I am ready to strike hands in approval, direct or indirect, of what I believe to be the greatest political offense ever committed against a sovereign State, I hope my children will disown their father and that the State will deprive me of a name which by whomsoever it has been borne has ever stood for common honesty in all the walks of life.

CRIPPLE BAILEY ONCE ASSAULTED.

MAKES AN AFFIDAVIT OF WHAT OCCURRED AT GAINESVILLE.

Gainesville, Texas, April 29, 1908—The following affidavit has been made and given out for publication:

State of Texas, County of Cooke: I, J. M. Pratt, on oath, say that I am 69 years of age and a resident of Cooke county, Texas; I weigh 120 pounds and have been paralyzed in both legs since I was four years old and have always gone in a roller chair or on crutches, being unable to walk without crutches.

At the November election in 1894 I voted at the Fourth ward in Gainesville. I had gone to the voting place on crutches to cast my ballot. While there I was discussing with William McGaughy the fitness of J. W. Bailey for office, he being then a candidate. *I expressed the opinion that he was an untruthful man and selfish and deceitful.* While I was discussing Bailey he approached me and asked me what I had been saying about him. When I began to explain what I had been saying he said: "You are a ———— ———— ———— ———— ————," and struck me with his fist. McGaughy had a knife open eating pecans. Bailey turned to him and said: "Bill McGaughy, you drew a knife on me." McGaughy said, "No, but I have one." Bailey started to his buggy and said, "By—, I'll go and get a gun and come here and kill you." And McGaughy said, "All right; I'll be here when you get back." Bailey did not return. S. T. Worley and J. I. P. Siddall, who reside in Gainesville, witnessed the occurrence.

J. M. PRATT.

Sworn to and subscribed before me this the 3rd day of April, 1908.

J. M. R. BELL,

N. P., Cooke Co., Texas.

(Seal)

ANTIDOTES FOR BAILEYISM.

Patriotic men retreat not when showered upon by the shafts of ridicule, the darts of derision, or hell-born threats of intimidation; neither do such men shrink patriotic responsibility in the face of overawing but misguided or uninformed majorities.—*The Author.*

Every lie, great or small, is the brink of a precipice, the depth of which nothing but Omniscience can fathom.—*G. Reade.*

Lying is like trying to hide in a fog.—If you move about you are in danger of bumping your head against the truth—And as soon as the fog blows away you are gone anyhow.

Truth is always consistent with itself, and needs nothing to help it out; it is always near at hand, sits upon our lips, and is ready to drop out before we are aware; a lie is troublesome, and sets a man's invention upon the rack, and one trick needs a great many more to make it good. It is like building upon a false foundation, which continually stands in need of props, to shore it up, and proves at last more chargeable than to have raised a substantial building at first upon a true and solid foundation.—*Addison.*

Nothing is rarer than a solitary lie; for lies breed like toads; you cannot tell one but out it comes with a hundred young ones on its back.—*Washington Allston.*

Let falsehood be a stranger to thy lips; shame on the policy that first began to tamper with the heart to hide its thoughts; and doubly shame on that unrighteous tongue that sold its honesty, and told a lie!—*Havard.*

A real man cowers not to might when supported by the right, nor belongs to that pitiable class of people whose only inquiry is: "Which will be the winning side, and where, oh where, is the political band wagon?"—*The Author.*

He raves; his words are loose as heaps of sand, and scattered wide from sense.—So high he's mounted on his airy throne, that now the wind has got into his head, and turns his brains to frenzy.—*Dryden.*

A brave man knows no malice; but forgets, in peace, the injuries of war, and gives his direst foe a friend's embrace.—*Cowper.*

A man in the right, with God on his side, is in the majority though he be alone.—*H. W. Beecher.*

Malice sucks up the greater part of her own venom, and poisons herself.—*Montaigne.*

A distressing number of private citizens, having nothing to lose except the integrity of their convictions, are, nevertheless, political cowards of a dangerous order.—*The Author*.

The man who is deserving the name is the one whose thoughts and exertions are for others rather than for himself.—*Walter Scott*.

When faith is lost, and honor dies, the man is dead.—*Whittier*.

The measure of a master is his success in bringing all men round to his opinion twenty years later.—*Emerson*.

Selfish men may possess the earth; it is the meek only who inherit it from the Heavenly Father, free from all defilements and perplexities of unrighteousness.—*Woolman*.

There are people afraid to entertain an independent thought lest they offend some far-off political demigod, and such people deserve not to participate in the affairs of a self-governing people; neither possess they that spirit of heroic patriotism that should animate the conduct of free men, fashioned after the image of divinity.—*The Author*.

The mind grows narrow in proportion as the soul grows corrupt.—*Rosseau*.

Votes should be weighed, not counted.—*Schiller*.

Any man may make a mistake, but none but a fool will continue in it.—*Cicero*.

It is only an error in judgment to make a mistake, but it shows infirmity of character to adhere to it when discovered.—*Bovee*.

No persons are more frequently wrong, than those who will not admit they are wrong.—*Roche foucauld*.

The difference between politics and patriotism is the difference between graft and statesmanship.—*The Author*.

Moderation is the silken string running through the pearl-chain of all virtues.—*Bp. Hall*.

CHAPTER XXVIII.

CHARGES REFUSED AND EVIDENCE SUPPRESSED.

Not speaking of the many times, during the proceedings of the so-called Investigation Committee of 1907, that they refused to admit testimony damaging to Bailey, the following specific charges were not allowed to be filed, as shown by Com. Rept., pages 623-624. Notwithstanding this fact, Mr. Bailey was afterwards allowed to go into this matter to his heart's content.

The resolution, the Kennedy substitute, written by Mr. Bailey's friends, if indeed not with his own hands, contained the following: "Said committee shall have the power to administer oaths and compel the attendance of witnesses and the production of papers, and shall immediately proceed to thoroughly investigate every charge that may be filed with them against Senator J. W. Bailey; provided, that no charge shall be investigated unless some member of this Legislature or other credible citizen of this State shall appear before the said Committee and file with it a written charge or charges setting out that he has good reason to believe that Senator J. W. Bailey has been guilty of some conduct, naming the same, *which, in the opinion of such person tends to disqualify him or render him unfit to represent the people of Texas in the United States Senate.*"

From the above it will be seen that it was the Committee's duty to investigate *"any conduct which in the opinion of the person making the same tends to disqualify or render him unfit to represent the people of Texas in the United States Senate."* This absolutely left no discretion with the Committee. The writer did not prepare the charges refused until he had personally talked with Mr. Green and had him present in the Committee room at the time the charges were offered, pointing him out to the Committee and calling their attention to the fact that he was a responsible citizen and credible witness and a reputable business man of Dallas, Texas. The charges which the Committee refused to entertain and to allow Mr. Green to testify concerning were not only admissible as showing Mr. Bailey's utter untrustworthiness, *but unquestionably admissible to show his insolvency at the time he entered the Senate.* The charges in question were as follows:

"Comes now Wm. A. Cocke, a member of the 30th House of Representatives, Texas Legislature, and, upon information and belief, files the following supplemental charges and allegations against J. W. Bailey, to-wit:

Forty-third: That, while the said J. W. Bailey was a member of Congress, he sold to A. A. Green, Jr., at that time a resident of Tarrant County, Texas, a certain lot or parcel of ground, situated in the



HON. E. C. GAINES,
COMANCHE, TEXAS.

"I cannot escape the conviction that he is a traitor to his country, who has betrayed his people into the hands of a commercial pirate for gold. Left to my own sentiments, I would gladly defy all his minions of infamy and vote against him, * * * * a moral leper as I believe Bailey is. * * * * Having discharged 'with scrupulous fidelity' my promise to my people, I desire to take my place for the future among those who despise and defy him."—*Mr. Gaines to the 30th Texas Legislature.*



town of Gainesville, Cook County, Texas: that the said J. W. Bailey falsely, fraudulently and knowingly concealed from the said Green the fact that said property was under heavy mortgage, besides and in addition to a One Thousand (\$1,000.00) Dollar vendor's lien note, which the said Bailey admitted to be outstanding against the said property; that the said Bailey pretended to the said Green that he had carefully examined the title to said property, and that the same *was unencumbered*, save and except the One Thousand (\$1,000.00) Dollar vendor's lien note above alluded to; that said Bailey took advantage of the confidence and esteem reposed in him by the said Green, in so falsely deceiving him and concealing the real condition of the title in question; that, thereafter the undisclosed mortgage was foreclosed and the said Green precluded from asserting his title to the property to his damage in the sum of Thirty-Seven Hundred (\$3,700.00) Dollars.

Forty-fourth: That, thereafter, to-wit: During the year 1894 or 1899, while a member of Congress, the said J. W. Bailey falsely and knowingly misrepresented to the said Green, the pedigree of two certain mares, which the said Bailey offered to the said Green in partial payment of said judgment; claiming said animals to be highly bred and worth One Thousand (\$1,000.00) to Fifteen Hundred (\$1,500.00) Dollars each, when in fact, they were not well bred stock and of very little value; that said Green relied upon the representation of said Bailey in agreeing to accept said animals, and Fifteen Hundred (\$1,500.00) Dollars in cash, in full settlement of his judgment amounting, at that time, to and exceeding Five Thousand (\$5,000.00) Dollars; that said animals were worthless, and refused by the said Green; that the conduct complained of in all the charges hereinbefore and hereinafter contained, if true, not only tend to disqualify the said Bailey as a public official, but, in the opinion of your informant, renders him utterly unworthy of public confidence and trust.

Forty-fifth: That during the said J. W. Bailey's career in Congress, he was thoroughly insolvent and was in such financial condition when he entered the United States Senate; that, since he became United States Senator, he has acquired large wealth by corporate manipulation, sale and speculation through his influence as United States Senator, placing himself under special obligations to the railway interests of the country, and in ways unbecoming an official of the people, and through his corporate and trust alliances, has become the paid representative and tool of the corporations and trusts, and in consideration thereof, has been and now is serving their interests as against those of the people of Texas and the United States.

Respectfully submitted,

WM. A. COCKE.

MR. GREEN MAKES OATH TO THE FACTS.

When the proponent of the charges was trying to get Mr. Green's testimony before the Committee (page 623) the following proceedings were had:

Mr. Odell—*We object to the nature of any private transaction between this witness and Senator Bailey.*

The Chairman—*I sustain this objection.*

Mr. Cocke—May I inquire, Mr. Chairman, if the same objection will be sustained to Senator Bailey testifying with reference to any matters heretofore testified to with reference to this witness' business with him?

The Chairman—I will rule on that, Mr. Cocke, whenever it comes up. That is a question that is not before the Committee and I will not rule in advance on any proposition.

Mr. Cocke—I want to appeal from the ruling of the Chair unless I am given the assurance.

Of course, the Chairman was sustained, and Mr. Bailey, when the time came for him to testify, did not submit to a rigid cross examination, but denounced all the charges as "infamous lies," and was allowed to testify freely about this Green transaction.

In a day or two thereafter the proponent of the charges received the following letter from Mr. Green:

"DALLAS, February 22nd, 1907.

Hon. W. A. Cocke, Member of the Legislature, Austin, Texas.

MY DEAR SIR:—I have read the morning Dallas News, containing what purports to be Bailey's version of his transaction with me in regard to the Gainesville property. If Bailey is correctly reported, I desire to emphatically deny the truth of his testimony, and protest against the injustice of his being permitted to put such statements in the record *while I am denied the right to tell the truth about it.* I am willing to come before the committee at any time to state the actual facts. His statement that he told me about this mortgage at the time of selling the property to me is absolutely untrue. He not only represented to me that the property was free from encumbrance, save a vendor's lien note of \$1,000, which his deed to me specified and that I assumed and paid, but stated that he would hunt up the abstract of title and forward to me. After repeatedly writing and asking for this abstract, I wrote to the abstractors in Gainesville, Messrs. W. W. Howeth & Bro., and had them make up an abstract and send to me at my expense, and upon receipt of this abstract from them, accompanied by a letter calling my attention to the mortgage, I immediately wrote them asking if there was not a mistake, and in that letter stated that Mr. Bailey had positively represented the property to me as free from encumbrance except as above stated. I have understood that Bailey was in Gainesville when judgment was rendered against him on the facts alleged in my petition. If those facts were in any

wise untrue, why didn't Bailey go into Court House and deny them. He did not do so, and the judgment rendered was an agreed one.

Bailey's statement that I became the owner of this whole property after it had been foreclosed by the mortgage company, and then sued him on his warranty is true only in the respect that I sued him. I have never owned one foot of the property since dispossessed by the Mortgage Company, and the records of Cooke county will bear me out in this statement.

I await your further advises.

Yours very truly,
A. A. GREEN, JR.

P. S. After reading this morning's papers and testimony as published therein, have concluded the proper course for me in the premises, is to complete, sign and acknowledge my affidavit of the *facts* of my transaction with Bailey. Herewith I hand same to you to do with as you deem proper.

A. A. G.

The affidavit to which Mr. Green refers was duly executed and forwarded to the proponent of the charges. The original of which is now in his possession and is in words and figures as follows:

STATE OF TEXAS,
COUNTY OF DALLAS.

AFFIDAVIT IN RE SENATORIAL INVESTIGATION.

Before the undersigned authority on this day personally appeared A. A. Green, Jr., of Dallas County, Texas, to me well known, who after being by me duly sworn, upon oath deposes and says:

First. That from the years 1880 to 1889 affiant lived with his family in Gainesville, Cooke County, Texas; that about the year 1885, J. W. Bailey came to Gainesville, Texas, to reside, and visited the home of the affiant as a friend, as a neighbor, and as a fellow Mississippian; that the said J. W. Bailey thus secured the confidence and esteem, both socially and financially, of affiant and his family.

Second: That about the year 1889 affiant moved to Fort Worth, Texas, and engaged in business there.

Third: That about the 5th day of March, 1890, affiant happened to be visiting in Gainesville, Texas, and fell into conversation with the said J. W. Bailey, who took occasion to compliment affiant on various business matters, and to renew their long standing friendship; that during the same interview, the said Bailey advised affiant that he was in need of money and persuaded affiant to buy a certain lot of land in the town of Gainesville from the said Bailey, upon which the said Bailey represented there was due only the sum of \$1,000.00, as represented by a vendor's lien note; that the proposed purchase price was twenty-five hundred dollars (\$2,500.00); that affiant told the said Bailey he was not in the money lending business and personally did not have that much cash available; that the said Bailey impor-

tuned affiant to assume the one thousand dollars (\$1,000.00) due upon this property, pay the said Bailey what cash he had available, and execute to the said Bailey the promissory note of the affiant, which note the said Bailey proposed to discount.

Fourth: That as an accommodation to his friend Bailey, affiant consented to such an arrangement, and thereupon asked the said Bailey for an abstract of the title; that the said Bailey stated that he had mislaid the abstract, but would find it and send it to affiant later; that the said Bailey also stated positively that the title was perfect and free of all encumbrances save the one thousand dollars (\$1,000.00) vendor's lien above mentioned, and insisted that he had examined the title, and reminded the affiant that if he had an abstract he would turn it over to the said Bailey as his attorney, for examination; that affiant relied implicitly upon the said Bailey and his supposed integrity; that, some time thereafter, affiant wrote the said Bailey, reminding him of this promise to forward the abstract and requested him to do so; *that the said Bailey ignored that request, as well as a second and other requests to the same effect.*

Fifth: That affiant thereupon ordered from Messrs. W. W. Howeth & Brother, of Gainesville, Texas, an abstract made, and on receipt of same was chagrined, abashed and astounded to find that there was a heavy mortgage resting upon the property undisclosed to affiant by said Bailey; that affiant thereupon called upon said Bailey and remonstrated with him; *that the said Bailey knew of the existence of the mortgage at the time of sale, and now promised to have it immediately settled and released as to the particular property in question.* With every confidence that Bailey would do so, and relying implicitly on his statements that he would make everything satisfactory to affiant and not only have this piece of property released by the Mortgage Company and title secured to this affiant, but also the adjoining vacant lot of 25 feet by 100 feet released and title cleared, and relying on his statements, affiant bought this lot from the said Bailey and Bailey executed warranty deed for same, and affiant paid for said lot as per warranty deed of Bailey to affiant, dated November 4th, 1890; that after long delay the said Bailey wholly failed in said promises; that the mortgagee thereupon foreclosed and ultimately deprived affiant of all vestige of claim to the property, notwithstanding affiant had in the meantime paid the vendor's lien note and completed the payments as provided for in said warranty deed of the said Bailey.

Sixth: That affiant was forced to sue the said Bailey and recover judgment for his money upon the fraud in question; that he did so and acquired a judgment against the said Bailey for the sum of three thousand seven hundred and ten dollars (\$3,710.00), besides interest and costs of suit; that the fraud of the said Bailey was charged and exposed in the petition filed in the suit; that the attorney for the said Bailey requested the attorney for the affiant to agree to a judgment for the full amount claimed upon the condition that the judgment

should recite that there was no proof of the misrepresentation offered, notwithstanding the misrepresentation in fact existed; that such a decree was entered on the 12th day of June, 1893, for the sum of thirty-seven hundred and ten dollars (\$3,710.00), besides the interest and costs.

Seventh: That from the rendition of the judgment in 1893 to the year 1898 affiant was unable to collect said judgment either in Texas or in Kentucky, in which latter state the judgment was established and sought to be enforced against certain horses alleged to belong to the said Bailey, but which were in fact *claimed to be* the property of one Jot. Gunter.

Eighth: That negotiations were had from time to time looking to the compromise of said judgment against said Bailey, notwithstanding it was for money secured under the guise of friendship and under the circumstances above set out; that on the 12th day of February, 1898, said Bailey wrote affiant a letter offering to settle the judgment, which at that time aggregated about five thousand dollars (\$5,000.00) for the sum of one thousand dollars (\$1,000.00), which letter is as follows:

"House of Representatives, U. S.,
WASHINGTON, D. C., February 12, 1898.

Mr. A. A. Green, Gainesville, Texas.

MY DEAR SIR:—I am negotiating a transaction which I initiated in the hope of getting some money to pay you. It has not turned out as well as I expected, but I can get \$1,000.00 out of it within the next sixty days, though by holding on two or three years I may get three times that much. I know you need the money, or rather you did need it when I left home, and as I cannot raise it any other way, I have determined to close this matter up if you will take the \$1,000 and release me from the judgment. In addition to the \$1,000 cash I will give you two mares which are highly bred. If this is acceptable to you, let me hear from you at once.

Your friend,
J. W. BAILEY."

Ninth; That during the progress of these negotiations the said Bailey sent affiant eleven telegrams about this personal business transaction, ten of which were marked "deadhead;" that the negotiations looking to a compromise finally resulted in affiant agreeing to accept fifteen hundred dollars (\$1,500.00) in cash and two highly bred mares claimed by said Bailey to be worth from one thousand (\$1,000.00) to fifteen hundred dollars (\$1,500.00) each; that affiant accepted said proposition on the conditions stated, and finally received fifteen hundred dollars (\$1,500.00) in cash; that affiant afterwards wrote to a friend in Gainesville, Texas, to receive the mares in question and when said friend went out to receive the mares, wrote affiant that he had refused to accept them as they were absolutely worthless; that one of the mares was very old, and the other so vicious as to render her of no account, both of them "wild and woolly;"

that in his opinion I would be unable to sell them for anything, and that he thought if I had to accept them, the best thing for me to do would be to give them to some one against whom I had a grudge; that affiant refused, therefore, to accept the scrub mares in lieu of the highly bred valuable animals *that the said Bailey had fraudulently represented them to be.*

Tenth: That there is still due and unpaid on the judgment in question the sum of about sixty-five hundred dollars (\$6,500.00); that these monetary dealings between said J. W. Bailey and affiant occurred while the said Bailey was a member of Congress, and have continued to this day, and yet remain unsettled and unsatisfied.

Eleventh: That during the year 1894, when the said Bailey was making an address at Whitesboro, Texas, in behalf of his then candidacy for Congress against one Browder, who openly charged the said Bailey with having defrauded affiant in the premises above set forth, the said Bailey sent a telegram to affiant in substance requesting affiant to wire the said Bailey that affiant's judgment against Bailey had been paid in full, *notwithstanding the fact that this was not true, nothing having been paid on account of same*; that the said telegram was received in the absence of affiant from his office and was opened by his bookkeeper and assistant bookkeeper, both of whom read the same, and upon the return of affiant to town some days afterwards, the said telegram was delivered to affiant by his bookkeeper, and was by affiant forwarded to his attorneys in Gainesville, Texas; hence these witnesses can bear testimony to the receipt of the telegram as stated above, and the contents of same.

Twelfth: That affiant has intended and still intends to sue the said J. W. Bailey for the balance due affiant on the judgment, but has refrained from doing so, during the last few months upon the advice and request of affiant's attorney, Mr. W. O. Davis, of Gainesville, Texas, *lest such suit might be charged by the said Bailey to be for his political persecution at a critical time in his political career.*

Thirteenth: That on or about the 6th day of February, 1907, affiant came to Austin, Texas, in response to an attachment by the Investigation Committee of the House of Representatives, 30th Texas Legislature, and was present at a meeting of the said Committee, ready, willing and able to substantiate under oath the facts and circumstances hereinbefore set out, but that said Committee, in presence of affiant, refused to allow Wm. A. Cocke, to file charges involving these matters, notwithstanding as affiant is informed and believes, said charges fully complied with the resolution under which said Committee was acting.

Further deponent saith not.

A. A. GREEN, JR.

Sworn to and subscribed before me, this the 19th day of February
A. D., 1907.

ARTHUR EMERY,

Notary Public, Dallas Co., Texas.

IS PLAYING "HORSE" WITH INVESTIGATION COMMITTEE.

Houston Chronicle:

Austin, Texas, Feb. 13.—By the evidence of J. D. Johnson, as the record shows, it was stated that Pierce would come to Austin, despite the indictment against him, *at the request of Senator Bailey*, and at any rate would meet a sub-committee in St. Louis to testify. Now members of the committee assert that the president of the subsidiary trust company is "daddling" and "playing horse" with the Texas Legislature. The method of evasion pursued has been made the subject for inquiry. A statement with qualifications had been received from the trust magnate, of whom it was said he would bow to the wishes of Senator Bailey, to the effect that he would perhaps be in St. Louis February 15.

TELEGRAM FROM JOHNSON.

Today the following message was received from J. D. Johnson about the matter:

H. A. O'Neal, Chairman Legislative Committee, Austin, Texas.

St. Louis, Mo., February 12.—Your telegram of today received. Mr. Pierce has not said definitely whether he would be here Friday but am satisfied from telegram received from him yesterday that because of important railroad matters requiring his immediate personal attention in New York it would be impossible for him to get here next week. The other witnesses and books will start for Austin this morning, to arrive Thursday evening. I will endeavor to arrange for Mr. Pierce to meet the committee at a later date which will suit the convenience of both.

J. D. JOHNSON.

The members of the committee are still in the air. The allegation that some one is playing fast and loose with the body has been openly made. Judge Green had attacked the method by which the books and witnesses were to be brought South, in direct violation of his interpretation of the understanding. The "understanding" being that Pierce, the books and other witnesses would all be examined in St. Louis. Judge Wolfe has admitted that he never believed Pierce would be in St. Louis on the date specified.

THE COMMITTEE REPLIES.

At the conclusion of the meeting the following positive message was sent to J. D. Johnson, to be repeated to H. C. Pierce:

J. D. Johnson, St. Louis, Mo.

Must we understand your telegram that Pierce will not be in St. Louis fifteenth? If so, arrange at once a definite date when Pierce will certainly meet sub-committee in St. Louis. If he does not intend to meet committee, say so. Answer immediately. Have wired Pierce.

(Signed) O'NEAL, *Chairman.*

J. P. Gruet, Sr., and J. P. Gruet, Jr., have been notified to immediately return to Austin to be present at the investigation of the books. The most drastic means have been suggested if necessary to secure the testimony of the elusive Pierce.

In the course of the morning session it had been moved to communicate with Pierce to find out when he would meet the committee. *Senator Senter said a continual bowing to the convenience of H. C. Pierce reflected upon the dignity of the Texas legislature.* He suggested a telegram to Pierce fixing the time convenient to the committee, and then if he does not appear, take steps to compel him to do so. He declared further that Pierce and Johnson were "daddling" with the committee.

MAY GO AFTER PIERCE.

Senator Skinner suggested a trip to New York in the event Pierce did not come to St. Louis. He considered the evidence of vital importance. *Judge Jenkins declared that Johnson had either intentionally or unintentionally misled the committee about Pierce meeting committee in St. Louis.*

Ex-Senator Hanger declared that counsel for Senator Bailey *had not been trifling with the committee*, and recalled a statement made by him Saturday in which he announced that the witnesses, Finlay and Hutchinson, together with the books, had been called to Austin and no protest had been raised. Then Jones added to the statement made by Ex-Senator Hanger. He insisted upon the Gruets being brought back and declared that he wanted every possible witness, from New York to California. Judge Wolfe suggested that the members of the sub-committee wanted to see the books before interrogating Pierce. [This shows that Wolfe entered into the plan with Johnson and Bailey's lawyers to keep Pierce away from the Committee.]

T. H. McGregor said he believed Johnson would be responsible for what Pierce is going to do. *"I think Johnson is playing horse with the committee,"* he declared. "He swore full and fair that Pierce would testify. I don't propose to be lulled into a sense of security by Johnson. We don't propose to permit Pierce to roll into St. Louis and then get out again because we are not there. I've lost confidence in that man Johnson." He wanted to know something definite about what Pierce was going to do, and thought Pierce would act altogether on advice of his counsel. At the conclusion of the oratory the telegrams as above mentioned were written for transmission.

COCKE KEEPS RECORD STRAIGHT.

During the session W. A. Cocke rose to a point of personal privilege. He said that it had been reported that Bailey had called him a liar, when as a matter of fact the statement repeated by Cocke as to what he intended to prove had been declared false. Mr. Cocke said he did not accept responsibility for what was reported to him, and

believed that it was so considered. Bailey had denounced as a lie the statement that had reached Cocke, and not the statement of Mr. Cocke. Senator Hanger, for Senator Bailey, conceded the distinction.—Houston Chronicle, February 14, 1907.

The following comical writeup of the Suppression Committee was first published in the Austin Tribune. It is the product of a number of the newspaper reporters who attended the meetings of the Suppression Committee and who were in the best possible position to judge and speak of its farcical performances:

COMING! COMING!

Positively Farewell Tour

JOS. W. BAILEY.

Plays Syndicate Houses Only.

**Greater, Grander and Gorgeouser Than Ever. Refuses
to Appear Under Canvas.**

W. A. COCKE, Ringmaster.

**Thousands of Mystifying Drafts and Checks—Thousands
—Count 'em—Thousands.**

**40—Prancing Stallions, Ownership Unknown—40
Grand Sweep of Charging Bulls.**

**Bailey Positively Appears at Each and Every Performance in Death
Defying, Daredevil Legerdemain, Exploiting Won-
derful Agility as Draft Drawer and Check Kiter.**

**Marvellous Note Executor, Insult Swallower and Lie Repeller.
Bailey Executes Marvelous Acts of Riding Wild
Stallions in Opposite Directions.**

**Moving Pictures of Blue Grass Country, Stock Farms, Stud Horses,
Race Track Scenes, Etc.**

**Appalling Juggling Scene—Waters-Pierce and Standard
Oil Siamese Twin Act—No Fake.**

**David R. Francis, Equilibrist, Balancing Joseph W. Bailey on His
Books—Positively World Unequaled.**

**H. A. O'Neal, Recitationist, in the Mournful Ballad: "Bailey's Foes
Were Spawned in Hell." Tear Compelling.**

**Positively Unrivalled—Thrilling Mid-Air Scene. Three Acrobats
—Hanger—Odell—Jones—Changing Positions While in
Mid-Air. World Holds no Peer.**

LEGISLATIVE MINSTREL DUO

In Great Black Face Passion Scene, Looney and Cobbs.

**"Bailey is as Pure as the Driven Snow." Set to
Music by Wolfe and Patton.**

**Awe-Inspiring Solution of Solving a Mystery. X-Ray Development
in Full View of the Audience, Bringing to Light
the \$1,500 Sight Draft.**

**Oriental Scene, Disclosing the Cloth of Gold, Showing
PIERCE, YOAKUM and KIRBY
Kings of Finance.**

**Greatest Menagerie on Earth,
Living Hyenas, Populists,
Dogs and Scoundrels.**

**Admission—Politicians 25 cents. Ladies, Farmers and Preachers
Free.**

LEMON.—Every Statesman Gets One as a Souvenir—LEMON.

WHAT ONE MAN SAW AT AUSTIN.

Houston Chronicle:

Mr. Frank Putnam, formerly editor of the National Magazine, has been in Texas for the past three weeks getting material for a series of industrial articles regarding the four large cities in the state, to be published in the New England Magazine. His impressions have been altogether favorable and his series of articles will undoubtedly be of great value to Texas.

Mr. Putnam is not here to write anything of a political nature, but while in Austin last Monday he attended the morning and afternoon sessions of the Bailey Investigating Committee. As an outsider—a man who is naturally supposed to have viewed everything from an unprejudiced standpoint, and representing no paper or no special interest on this particular matter, his views may be of interest, both to the committee and the people. They are given in a signed article, as follows:

WHAT I SAW AT AUSTIN.

Senator Bailey has practically conducted in person the alleged legislative "investigation" of the charges brought against him in his recent campaign for re-election. Simmered down to a phrase, the charges presented under thirty odd headings amount to this: That Senator Bailey, covering his operations under a cloud of indirections and evasions, sold out his first client, the state of Texas, to his second client, the Waters-Pierce Oil Company, alias the Standard Oil Company. And there is a mass of evidence tending to show that he did precisely this.

But the legislative "investigation" has been farcical, and was intended to be so. The Bailey machine, or that part of the democratic machine it represents, having procured the senator's re-election, by that act made the legislature surety for his conduct, past and future, and made it impossible for that body to censure him without equally censuring itself.

The House and Senate "investigating" committees—each of seven members—sit jointly in the supreme court chamber at the state house in Austin. The House committee has charge of the inquiry and Representative O'Neal is chairman.

Representative W. A. Cocke of Bexar county, who formulated the charges against Senator Bailey, alone conducts the prosecution. Certain eminent volunteer counselors who started the work with Mr. Cooke evidently perceived that the committee had been packed to acquit, and withdrew. Mr. Cocke asked leave to get other assistants, but on an objection by Senator Bailey that the men selected by Mr. Cocke *were distasteful to him*, so much so that he would refuse to be questioned by them, *the committee refused to allow Mr. Cocke to bring them in*. Arrayed against the lone prosecutor are the following forces working for Senator Bailey:

1. Senator Joseph Weldon Bailey.
2. Chairman O'Neal.
3. The Senator's three able attorneys.
4. A committee majority apparently pre-determined to report that the charges had not been sustained.

Senator Bailey, present at every session of the committee, frequently prompts his counsel and glares ferociously or stares insolently or sneers contemptuously or declaims violently, as his humor prompts, at those witnesses whose testimony fails to please him. This is no fancy picture painted by prejudice, but a calm statement of facts, which I personally witnessed in part and in part have from competent observers. Senator Bailey has repeatedly violated the rights of the witness and the code of common decency by hurling "liar" or other epithets at the occupant of the witness chair. For these gross outrages the senator has not been punished. *The committee seems to do his whispered or unspoken bidding. The four or five members who do not act with the machine are powerless to reform the committee's methods.*

Chairman O'Neal is a stubborn country squire with a firm conviction that Joe Bailey's enemies were all "spawned in hell"—to quote a moderate phrase from this shy Texas campaign—and who does not intend that any of them shall have a minute's countenance from him or of comfort in his court if he can prevent it. *And he can.*

The prosecutor's exquisite courtesy, tipped at times with an irony so subtle that it passes over its intended victim, and again penetrates and is felt like a poisoned arrow, is in shining contrast with the swaggering, burly and aggressive demeanor of the defendant and some of his allies in the joint committee.

It goes without saying that the committee will report back to their respective chambers exonerating Senator Bailey. There will be minority reports and resolutions censuring the senator and calling upon him to resign will be offered and fought over on the floor. Mr. Cocke, prosecutor, hopes that many members who voted for Bailey's re-election, so obeying their primary instructions, will express their individual sentiments by demanding his resignation when the resolutions of censure afford them opportunity.

This result seems to me unlikely. It is not to be expected that the majority in either House, having voted to re-elect Senator Bailey in the face of the gravest charges ever brought against a Texas Senator, will now expressly condemn their own act, *no matter how damning the evidence may be*—and it is already so bad that a large majority of the Texas democratic newspapers are convinced that the Senator is an unfaithful public servant, who ought to resign.

It is possible the Legislature may adopt resolutions directing the State's Federal Senators hereafter to give all their time to their public service, or, at any rate, forbidding them to practice law for corporations, or to peddle stock on commission. This will, of course, be something like locking the door after the horse has been stolen, but it is the best consolation in sight of the democrats of Texas.

FRANK PUTNAM.

COCKE PROTESTS AGAINST CLOSING OF THE INQUIRY.

Austin, Texas, Feb. 19 (Houston Chronicle, Feb. 20), 1907.

The following protest against the closing of the Bailey investigation has been prepared by W. A. Cocke. Unexplored lines of inquiry are set forth. The statement was produced and exhibited in the committee room, but not filed at this time:

As the postponement of the charges under investigation and on behalf of the people of Texas, whom I have the honor to represent, and for whom I presume to speak, in this matter, I most earnestly protest against a conclusion of this investigation at its present incomplete stage. Mr. Bailey in addressing the Legislature recently said that he had not started this investigation and that he "would be the last to call it off."

The necessity exists of your sub-committee making further investigation by visiting the following named points, for the purposes mentioned, to-wit:

1. To St. Louis for the purpose of examining further into the books and voucher records of the Waters-Pierce Oil Company, it being shown by Auditor Hutchinson that only a part of the books of the company were brought here and none of the vouchers which will disclose in detail monetary transactions thought to be pertinent to this investigation, in proof of the conspiracy and fraud charged in connection with the re-admission of the Waters-Pierce Oil Company to Texas in 1900, and the defeat of legislation adverse to the company before the Legislature of 1901. The sub-committee should also trace at St. Louis the several drafts in question, especially the \$1,500 draft of June 13, 1900, the \$8,000 transaction of March 1, 1901, and the \$1,750 draft of June 12, 1901, also the alleged \$4,800 check referred to by Governor Francis.

The following St. Louis witnesses ought to be examined: C. F. Hatfield, Charles B. Collins, former secretary to H. C. Pierce, W. H. Clancy, J. C. Van Blarcom and James Campbell, the latter being an addition to the St. Louis witnesses previously furnished. Also to examine Captain Flatau and his letter.

2. To Nashville, Tenn., with reference to the Tennessee Construction Company and the Tennessee Railway Company employment; the conduct and disposition of said properties. Your informant is advised that *these properties were disposed of to certain railway interests through senatorial influence*, and the truth or falsity of this alleged fact should be ascertained. In this connection your informant is advised that ex-Governor Bob Taylor of Tennessee, now a United States Senator from that State, would be a valuable witness.

3. To Washington, D. C., for a careful examination of the record of the Riggs National Bank, as disclosing Mr. Bailey's financial transactions there, especially those participated in by H. C. Pierce as intimated in the testimony of John H. Kirby with reference to the \$156,000 and the \$153,000 loans from Pierce to Bailey; also an examination of the departmental records covering the last sixteen years and showing Mr. Bailey's appearance before the departments having special reference to his appearance there as involved in the several supplemental charges with your committee filed, but which charges have been only very slightly investigated, although it is already in evidence that Mr. Bailey had some financial transaction with the beneficiaries of his efforts in each of the supplemental charges referred to, by way of drafts drawn, endorsed, loans made, or partnerships entered into, etc.

4. To New York city for an examination of Pat Calhoun, whose testimony is regarded as very material with reference to the Kirby Lumber Company and Houston Oil Company stock manipulation referred to in John H. Kirby's testimony; for an examination of John W. Gates with reference to legislation pending before Congress in which he was interested and his monetary dealings or loans to J. W. Bailey; for an examination of S. G. Bayne of the Security Oil Company and its Standard Oil Company connections; also for an exami-

nation of Messrs. Archbold, Rogers and other Standard Oil magnates; also for the purpose of examination of H. H. Stein, C. W. Norman, W. H. Tilford, and Wade Hampton of 26 Broadway; also for an examination of the register of the Waldorf-Astoria and possibly other hotel registers in New York city, showing the frequency and duration of Mr. Bailey's visits to New York city and his consequent absence from his official duties in Washington.

5. To Ardmore, I. T., and Oklahoma City, Okla., on the subcommittee's return to Texas for the purpose of taking the testimony of Mr. Don Lacey, bank president, and Mrs. J. W. Phillips, whose testimony is regarded as material in support of charge No. 40. (Federal clerkship charge.)

6. To Bonham, Texas, for an inspection of the bank records there in support of charge No. 1 (United States government mule and horse contract). It is believed that other material testimony can be secured at Bonham, Texas, but about which your informant is not sufficiently advised to enable him to make oath as to the witness.

7. To San Angelo, Texas, to take the testimony of J. D. Suggs, whose sickness precluded his attendance upon your hearings. His testimony is regarded as material on charge No. 38 (Indian Territory land leases), and also on charge No. 41 (involving the expulsion of stock men from the Kiowa and Comanche reservations). There are also reputable citizens at San Angelo who would testify as to the admissions of Cal Suggs, now deceased, concerning the same matters.

8. To Gainesville, Texas, to look through the bank records there concerning the \$1,750 draft referred to in Mr. Bailey's letter to H. C. Pierce on March 28, 1901, and also referred to in voucher of June 12, 1901, as having been sent to Mr. Bailey at that time on "account of Texas legislation;" also to investigate the Gainesville bank records with reference to the \$8,000 transaction with H. C. Pierce of March 1, 1901, charged to have been paid to J. W. Bailey to defeat Texas legislation then pending.

9. To Fort Worth, Texas, to inspect the Western National bank records there on the alleged \$118,000 draft, and also a \$25,000 draft passing through said bank on July 31, 1906, drawn by J. W. Bailey on John H. Kirby as per the admissions of the latter witness and as per certain data from said bank now in the hands of your informant.

10. Also to Dallas, Texas, for the examination of the Waters-Pierce Oil Company's manager there and an inspection of the records of his office, which, your informant is advised, will disclose the fact that he received first at the Dallas office of the Waters-Pierce Oil Company his mail from the Southwestern Oil Company, and afterwards instructed the mail carrier to deliver the Southwestern Oil Company's mail to his residence address, *as a matter of secrecy from the balance of the office force*. It is understood that this incident was subsequent to Mr. Bailey's acquisition of the Southwestern Oil Company; also for the examination of L. B. Mitchell at Dallas on the connection between the Southwestern Oil Company and the Waters-

Pierce Oil Company. The name of this witness was furnished your committee in the second list of witnesses some three weeks ago, *but his attendance has not been secured.*

11. Also to Beaumont, Texas, to inquire into the matter of the Security Oil Company, an alleged Standard Oil property, whose charter was prepared by J. W. Bailey, and which concern, your informant is advised, has since paid to the said Bailey considerable sums of money. In this connection the attention of your committee is called to the testimony of Banker Williams of the Gulf National Bank of Beaumont, which testimony shows that S. G. Baynes and associates, of New York, are interested in said bank, and that the Security Oil Company does business with said Gulf National Bank at Beaumont, Texas. Your sub-committee should also look into a possible connection between the Gulf Refining Company and the Waters-Pierce Oil Company—as indicated by the fact disclosed by the testimony of Hon. Frank Andrews that one Taliaferro, for many years a Louisiana and Texas manager for the Waters-Pierce Oil Company, then for the Southwestern Oil Company while owned by J. W. Bailey, and then again employed by the Gulf Refining Company.

12. To Houston, Texas, for the purpose of going through the court records there, by which J. W. Bailey became the owner of the Southwestern Oil Company, and as a result of which its competition with the Waters-Pierce Oil Company seems to have been finally and fully eliminated.

13. It is believed that nothing short of the above outline of investigation will constitute that full, fair and complete inquiry into these matters to which both the people of Texas and Mr. Bailey are entitled, in an effort to ascertain the truth and do exact justice to the parties in interest.

Mr. Bailey has said that he would cheerfully submit to a searching investigation of any charge that might be filed against him, and that he would be the last to “call off such an investigation.”

The expense incident to this investigation is infinitesimal to the people of Texas, as compared to the contribution of 700 per cent. per annum paid by them to the Standard Oil Company trust during the last six years, and it is thought that a “penny wise, pound foolish,” course in this matter would be poor economy.

14. Having performed, as I conceive it, a simple though unpleasant duty to the people of Texas in the filing of these charges, and having done what I could under the circumstances, to have them fully and impartially investigated, free from any sentiment of anger or enmity on my part, and actuated solely by a desire to perform a patriotic duty, it only remains for me to present these final considerations for such course as your committee may pursue.

WM. A. COCKE,

Member of the House, Thirtieth Legislature of Texas.

ANTIDOTES FOR BAILEYISM.

An egotist will always speak of himself, either in praise or in censure; but a modest man ever shuns making himself the subject of his conversation.—*Bruyere*.

The greatest ornament of an illustrious life is modesty and humility.—*Napoleon*.

Modest expression is a beautiful setting to the diamond of talent and genius.—*E. H. Chapin*.

Money is a handmaiden, if thou knowest how to use it; a mistress, if though knowest not.—*Horace*.

The grafting politician asks: "What can I get out of this office for myself?" The patriot asks: "What can I put into this office and place of trust in time and talent for the improvement of the public service and the benefit of the people, with whose trust I have been honored and which trust I must faithfully discharge."—*The Author*.

Money is a good servant, but a poor master.—*D. Bouhours*.

Make money your god, it will plague you like the devil.—*Fielding*.

Mammon is the largest slave-holder in the world.—*F. Saunders*.

If you would know the value of money, go and try to borrow some; for he that goes a-borrowing goes a-sorrowing.—*Franklin*.

Money is a bottomless sea, in which honor, conscience, and truth may be drowned.—*Kozlay*.

Patriotism, like virtue, is or should be, its own highest reward. Many illustrious patriots have served their day and generation faithfully and well only to have their motives misconstrued, their efforts unappreciated, and their labors, like their hopes, buried 'neath the gravestones of forgetfulness.—*The Author*.

Mammon has enriched his thousands, and has damned his ten thousands.—*South*.

Gold is the fool's curtain, which hides all his defects from the world.—*Feltham*.

If I have done any deed worthy of remembrance, that deed will be my monument.—If not, no monument can preserve my memory.—*Agesilaus*.

He that does good for good's sake, seeks neither praise nor reward, but he is sure of both in the end.—*Penn.*

Blood, though it sleep a time, yet never dies.—*Chapman.*

Some to the fascination of a name surrender judgment hood-winked.—*Cowper.*

The wisest philosophy, the soundest morality, the religion of humanity, teaches a man to do his duty for the sake of duty and in that way reap the richest reward—a reward that cannot be taken from him by the malice or the envy of those it may have become his duty to oppose or to expose.—*The Author.*

In nature things move violently to their place, and calmly in their place.—*Bacon.*

I can make a lord, but only the Almighty can make a gentleman.—*James I.*

It is not wealth, nor ancestry, but honorable conduct and a noble disposition that makes men great.—*Ovid.*

Fame is a vapor; popularity an accident; riches take wings; the only certainty is oblivion.—*Horace Greely.*

Obstinacy and heat in argument are surest proofs of folly. Is there anything so stubborn, obstinate, disdainful, contemplative, grave, or serious, as an ass—*Montaigne.*

In an ideal state of society, all law state, national, and international, should have for its highest object the protection of the weak as against the strong, the simple as against the cunning, of the honest, industrious producer of wealth as against the dishonest grafter and idle consumer thereof.—*The Author.*

Those who never retract their opinions love themselves more than they love truth.—*Joubert.*

An obstinate man does not hold opinions—they hold him.—*Bp. Butler.*

I never could believe that Providence had sent a few men into the world, ready booted and spurred to ride, and millions ready saddled and bridled to be ridden.—*Richard Rumbold.*

CHAPTER XXIX.

BAILEY VS. BAILEY.

A COLLECTION OF BAILEYESQUE BAILEYISMS.

"He that is greatest among you shall be your servant; and whosoever shall exalt himself shall be abased. * * * All their works they do for to be seen of men; they make broad their phylacteries, and enlarge the borders of their garments. And love the uppermost rooms at the feast, and the chief seats in the synagogue. * * * They bind heavy burdens and grievous to be born lay them on men's shoulders but they themselves will not move them with one of their fingers."—*The Scriptures*.

"Out of the Abundance of the Heart the Mouth Speaketh."—*The Scriptures*.

In a statement given out at Washington September 18, 1906, (Dallas News, September 19th), Mr. Bailey used the following language:

"The Standard Oil Company has no more interest in or connection with the Tennessee properties for which I am the attorney than Mr. Sullivan or the Czar of Russia."

Comment: H. C. Pierce, David R. Francis, J. C. Van Blascum and one Mr. Thompson were Mr. Bailey's clients with reference to the Tennessee railway and coal properties. Pierce is a part owner of the Standard Oil subsidiary company in the Southwest—the Waters-Pierce Oil Company—and Francis, according to the testimony given at Austin in the trial of the Waters-Pierce Oil Company there in May, 1907, while Governor of Missouri, *instructed the State Purchasing Agent of that State to buy oil only of the Standard Oil Company and its allies*.

"The public seems to be morbid on the subject of a senator or a representative practicing law for pay. It is and has always been a common practice for lawyers in Congress to practice their profession. * * * Since the foundation of this Republic, the greatest senators whose reputations as lawyers could command clients, have practiced their profession with propriety and without criticism. * * * The wisest and the best of them have not thought it improper or unpatriotic to attend to their private business in their own time."

Comment: John C. Calhoun declined a loan of 30,000 pounds while in Congress because he questioned the motives of the wouldbe lenders *and because he desired to avoid even the appearance of evil*. Thomas Jefferson said: "Never will I engage, while in public office, in any kind of enterprise for the improvement of my fortune, nor wear any other character than that of a farmer." Daniel Webster's questionable loans and colorable "law practice" perhaps cost him the presidency. Verily, history doth repeat itself.

In same statement as next above, Mr. Bailey said: "For myself

I propose to do as I have done for fifteen years. I have practiced my profession and I have never allowed that practice to interfere with my public duties."

The Congressional Record shows that during the winter of 1902-3 Mr. Bailey was absent as long as three weeks at a time from roll call. He was with Kirby and Pierce in New York.

Again in the same statement, Mr. Bailey said: "I will never admit that I am so weak in character that I dare not pursue an honorable profession out of fear that I will thus be led to sacrifice the public interests."

At Gainesville, Texas, September 29th (Dallas News, September 30th, 1906), Mr. Bailey said: "When I have finished with those creatures *I will make them wish they had never been born.* * * * This new attack on me, even more than those which have preceded it, is a deliberate, a sedate, a well matured plan to destroy me, if possible, not only in Texas, but in the Republic at large. They know that I stood against the unworthy ambition of some heretofore, *and knowing that neither their money can bribe, nor their power deter me, they seek to destroy me.*"

Comment: Why should thousands of patriotic Democrats in Texas take pleasure, as Mr. Bailey pretends to think, in his destruction and the disgrace that he has brought on Texas? If other men's "ambition" is "unworthy," why is Mr. Bailey's ambition more worthy?

"Let them bring on their millions and let them bring on their millions; I defy them to do their worst. * * * I will drive their myrmidons into the Gulf of Mexico. * * * They may mark this to be eternally true: I will never lay it down (the Senatorship) as long as thieves and slanderers try to take it away from me. I am enlisted in this war to the bitter end. * * * As long as a slanderer lifts his voice in Texas to impeach the fidelity of my services I shall press this battle, and I shall press it *until that whole brood of hell* are driven in disgrace and shame to the obscurity which awaits them. * * * Every Socialist in this State who seeks to subvert existing order *is traducing me.*"

At Greenville, Texas, October 1, 1906, (Dallas News, October 2nd), Mr. Bailey said: "They say to work for these clients will influence a man's judgment. It will influence some men's judgment. * * * The question isn't will it influence some men, but has it influenced me? * * * If one of those corporations would pay them \$25,000, it would own them, soul and body, until the crack of doom. * * * These men who are assailing me are excusable for thinking I took a fee, *because every devil of them* would have taken one as quick as they could have gotten it."

Comment: If \$25,000 would buy others, why not Mr. Bailey, to whom the enemies of the people have paid hundreds of thousands of dollars?

"If Pierce had denied making that statement to me, every one of

these *human hyenas* would have been swearing that Pierce told the truth, every one of them. * * * Referring to my statement that I would drive them into the Gulf before I was through with it—the only objection to that is, *I hate to befoul the waters of the Gulf* which washes the southern shores of this State. * * * *The president of the Company gave me his word that it was not a trust.*"

Comment: It took the State of Texas four years from the District Court to the United States Supreme Court to prove that the Waters-Pierce Oil Company was a criminal. If it was not "a trust," *what was it?* If it was not an interstate trust, may it not have been an *intrastate trust?* Certainly it was an *outlaw* and has been a *criminal* ever since Mr. Bailey invited it to come back with "clean hands."

Referring to the Tennessee Central Railroad \$13,000,000 bond holders, Mr. Bailey said: "It took a tolerably fair lawyer, who was something of a financier to save them from an absolute and total financial wreck. If I did it—and I did—it looks to me like they exercised very fair judgment in selecting their lawyer."

Comment: Not until Mr. Bailey connected himself with Joe Sibley (a Standard Oil statesman); David R. Francis, the Standard Oil Governor of Missouri; H. Clay Pierce, the Southwestern Oil monopolist; John H. Kirby, the Lumber King, the same who was indicted for alleged bribery of a District Attorney with \$12,500; B. F. Yoakum, the brilliant railroader; S. G. Bayne, the Standard Oil Banker; John W. Gates, the oil, steel and stock manipulator; and the owners of the Southern and Illinois Central Railway systems, did Mr. Bailey ever pose as a "financier." Before that he was as "poor as Job's turkey," and it has been said that he could not buy a beef steak on a credit in Gainesville.

"Are you willing to tell your pure and manly boys that if they aspire to win fame in their country born to an inheritance of poverty that after having served this State and the Republic with honor and fidelity, they must be buried at the public expense in a potter's field?"

Comment: Listen at Mr. Bailey's answer before the Suppression in 1901, when he said, "Knowing that, as an honest man I could make nothing in the public service * * * " (Texas House Journal, January 18, 1901, page 163.)

"There are bad men. Some of them find their way into the Congress of the United States, and some of them find a way into the pulpits. [But Mr. Bailey says: 'The preachers are all for me.']

"Some of them may lie about me like dogs. * * * My countrymen, a man's business is separate from his duty. * * * No man *who ever lived* has been more careful to keep his business separated from his politics than I have been. * * * It is the glory of our commonwealth that in all its long and glorious history not one of them [Senators from Texas] has ever sacrificed his country to his selfishness and I am pained that I am almost the first one

ever accused of doing so; and yet I can lay my hand upon my heart and in the presence of God I can look my countrymen in the face and say that not one of all my illustrious predecessors was less subject to that charge than I have been. [Poor, unfortunate man.] Why do they hate me so, that they seek to destroy me? It is because I am in their way. [Is every man in Texas opposed to Mr. Bailey an aspirant to the United States Senate?]

In the Crane-Bailey Debate at Houston, October 6, 1906, (Dallas News, October 7), Mr. Bailey said: "Just as soon, my countrymen, as a man attacks a Democratic nominee, he becomes an apologist for Republican sins. [Does not this depend upon whether the attack is upon the nominee's *honesty* or upon his professed democracy?] * * * I have never been able to find any man who was willing to become responsible for these stories. [*When he did find a man he would not submit to an interrogation about them.*] * * * If they could destroy men like me and Williams, there would be more chances for men like Hearst and Crane. [Hearst was a Democratic nominee for the Governorship of New York at the time Mr. Bailey said all these ugly things about him, and yet no man has a right to criticise Mr. Bailey *because he was a nominee*. The President of the United States after his election, even though the same might be unanimous, would be subject to impeachment.]"

"I have resolved a second time to lay before the people of Texas my entire connection with that affair. * * * When the Senatorship contest between *myself* and Senator Chilton was terminated * * * I left the State for Washington to resume the performance of the public duties. [*Why didn't he tell the Houston audience that Francis and Pierce had both telegraphed him to 'miss his train' at St. Louis?*]"

"They say a man cannot be an honest Senator and practice the honest profession of law at the same time. I agree with them that the rule applies to themselves, but it does not apply to me. [Why not?] * * * I tell you I never practiced law a day for any monopoly in my life that I knew. [Perhaps it only required one hour's "practice" to earn that \$2,500 Standard Oil fee in 1901.] * * * Of course, I would not advise a man weak enough to fall to try to learn anything of or from him. [Kirby. *Is this an admission that his friend Kirby would tempt 'a man weak enough to fall'?*]"

WEATHERFORD, Texas, October 8, 1906, (Galveston News, Oct. 9th), Mr. Bailey said: "I am one man who never has and never will serve a trust, either as a Senator or as a private citizen. [*This was before the facts became known*]. * * * I never was the attorney of the Waters-Pierce Oil Company in my life. I never received a farthing from the Waters-Pierce Oil Company in my life. They say I was employed by Pierce, and that is true. [The Author has practiced law for some private mercantile corporations. They never paid him a "farthing" *but their officers have*]. * * * No client of mine ever sought any special privilege at the hands of

Congress and if they had they would not have had the effrontry to come even to my back door asking my assistance. [A single instance only: While Mr. Bailey was a member of the Judiciary Committee No. 3, in the Lower House, the salary of one Phillips, a Federal Clerk in the Indian Territory was increased from about \$2,000 to about \$25,000, and after that Mr. Bailey's drafts on him appear to have been numerous. There are other instances too numerous to mention here.]

"I do not think I deserve any credit for being honest, for I do not love money well enough to tempt me to be dishonest. * * * *I have got about all I need.* * * * If some of these men who are lying about me should get much, I would know they had stolen it, because they could not get it any other way. * * * What I have got I worked for. [*All in the last six or seven years.*] * * * Some of them are so bad the Devil would not have them, and if he got them, *he could not burn them.* * * * But little as I care for it, [the Senatorship], I will never surrender it so long as these *hyenas are trying to steal it from me.* When they get it from me, *it will be at the end of a war that will leave none of them to tell the tale.* I believe in peace."

At Fort Worth, Texas, October 9, 1906, (Dallas News, October 10th), Mr. Bailey said: "I have no quarrel with a man who has a not the sense to appreciate my unselfish service to the State of Texas. * * * After the primary certain men in New York and Texas resolved upon a campaign intended to divert the Democratic party from its ancient and glorious principles. [What a pity.] * * * They hounded him [Attorney General Smith] to his death, * * * but they cannot hound me with it here. *If I were dying, I would get well to fight these hyenas.* * * * Just as soon as Hearst thinks it safe, he will traduce Bryan, as he traduces me and Williams. [Why not 'Williams and I?'] * * * They say, 'Bailey has no right to practice law for the trusts.' So say I, because a trust is denounced as unlawful by the statutes of this State and the Nation. When they say a man in public life has no right to practice law for a trust, they raise no argument with me. I not only join them, but go further. I say that no man in public or private life has a right to aid by his legal skill any man or corporation in evading the laws of the land. [Then why did he aid 'My dear Pierce,' and why did he render the Standard Oil trust an admitted opinion for at least a \$2,500 fee? Answer: These statements were made before the facts became known.] * * * Every Socialist in Texas is standing on the street corners reviling me by day and by night. [*The Socialists have evidently made wonderful strides in Texas of late.*]

At Rusk, Texas, October 11, 1906, (Galveston News, October 12th), Governor Campbell said: "I said in my speeches throughout the campaign that I was opposed to Senators and United States Congressmen representing trusts and public service corporations,

and I say so today. I have gone further than that. I have admonished the people of this State against sending railroad lawyers and representatives of selfish interests to our Legislature. And I don't understand that Senator Bailey or any other Democratic nominee upon this ticket takes issue with me upon this question.' As Mr. Campbell uttered this statement he turned to Senator Bailey *and that gentleman bowed his assent and the audience applauded.* [It is to be noted that perhaps every member of the Thirtieth Legislature who afterwards resigned *in order to retain their railroad passes on account of being railroad lawyers were expert Bailey white-washers.*]"

In Mr. Bailey's address at Rusk, he said: "If they do try to buy Texas Legislators and any of them should take their money, I will render you a greater service than I have ever before. I will brand the dollar mark upon the head of every man who takes the bribe, and put him in the penitentiary where he belongs."

Comment: What has Mr. Bailey ever done to assist the State of Texas in his, Pierce's, Johnson's and Clark's effort to bribe Henry & Stribling and their success in inducing Oscar Stribling to admittedly accept \$3,100 from the Oil Trust immediately after the dismissal of the Waco suits against the Company in November, 1900, wherein said Stribling had been of counsel? What, also, may be said of Mr. Bailey's \$1,500 draft on Pierce of June 13, 1900, in keeping with the telegram from Pierce to Finlay, advising that "Bailey should quiet all Texas parties." Mr. Bailey's previous determination to prosecute bribe takers in the Texas Legislature, reminds us of a well confirmed report that within a few days after his election, *with serious charges pending against him at the time*, three of the members of the Thirtieth Legislature, *who were among his most servile tools and sycophants*, paid off and filed releases to cover land liens amounting to several hundred dollars each, *which were not due for sometime*—one of them for four years, bearing a low rate of interest. *The Author can give names and details if necessary or desirable.*

At Waxahachie, Texas, October 12, 1906, (Galveston News, October 13th), Mr. Bailey said: "I never accepted a farthing for any advice I gave to Pierce. [Gratuitous advice is always cheap, but was this advice gratuitous. '*The rich ruleth over the poor and the borrower is servant to the lender.*' Why did he not tell his audience at this time that he had borrowed large sums of money from Pierce; that the Waters-Pierce Oil Company had returned the sums to Pierce; and that none of these so-called loans had ever been paid back? Answer: Because the facts were not then known to the people and he has never admitted anything, not even a "loan" until the proof was elicited some other way.] The truth is one of the reasons that they think I have been doing wrong is that they know that if they had been in my place they would have done it. [If 'they' would have done wrong under the same circumstances, *why not Mr. Bailey?*]

Cleburne, Texas, October 15, 1906, (*Galveston News*, October 16th), Mr. Bailey said: "I am now engaged in a very laudable undertaking of showing what *infernal scoundrels* these are who have been saying I am not an honest man. [Suppose Mr. Bailey's political enemies are the unworthy men he claims them to be, *what has that to do with his guilt or innocence?*] The honest Republicans and honest Populists are not against me. * * * *I do not apologize for anything I have done. * * * I ask no quarter. I cry not for peace. I am for war. Let it be 'war to the knife, and knife to the hilt,' and I exclaim, 'Lay on Macduff, and curst be he who first cries, hold, enough.'*"

At Meridian, Texas, October 16, 1906, (*Galveston News*, October 17th), the following statement is ascribed to Mr. Bailey: "He said there were only 79 men in Bosque County who scratched his name on the primary ballot and declared that *every devil of them was fomenting opposition to him now.*"

At Mart, Texas, October 22, 1906, (*Galveston News*, October 23rd), Mr. Bailey said: "When a man tells me I am not honest, he is a liar. *The people have a right to know about their public servants.* Now I invite anyone who wishes to know anything about this controversy to ask a question and I will fully explain. [*Why would not he explain to the proponent of the charges who did know something to ask him, when he took the stand?*] Why, I did not think enough of my advice to the Waters-Pierce Oil Company to even charge a fee for it. [Why didn't he tell the people that he took a "loan"?]"

"They hate me because I stand in the way of their ambition; * * * they hound me with their lies and slanders. If they want to adjourn this to another primary, when the party may have another opportunity to decide it, *I might accept*, but if they do not, *I will never stop until they are exterminated, horse, foot and dragon.*"

If Mr. Bailey was willing to adjourn the question to another primary, why did he not allow the investigation forces to pass their resolution offering to refer it back to the people of Texas at the conclusion of the investigation?

At Sherman, Texas, October 15, 1906, (*Galveston News*, October 26th), Mr. Bailey made use of the following expressions: "I have not come to prove to you that I am honest, but I intend to occupy a part of your time this afternoon to show you *what a set of infernal scoundrels* they are that are after me. * * * I do not fear you will [stop my salary], but those *heathens and infidels* would like to stop it. * * * Only four votes were cast against me in the Legislature six years ago and *only four votes will be cast against me this time*, [there were 58] * * * and the four men who do vote against me will follow the four men who voted against me six years ago *into the retirement of private life.*"

As a matter of fact, those voting against his exoneration and

who would have so voted, if present, amounted to 58 out of 163. Quite an increase, but Mr. Bailey says those who opposed him, being "liars, scoundrels, thieves, ex-convicts, forgers, Populists, Socialists, Republicans and anarchists, shall never again hold public office in Texas." The query seems to arise as to why the people of Texas elected such men as just described to the Legislature. As a rule, a constituency elects representative men.

At Brownwood, Texas, October 29, 1906, (Galveston News, October 30th), Mr. Bailey said in part: "The politicians, [of which he is one and ought to know], *have made more mischief in this world than all the infidels and criminals.* * * * A corporation that is a trust commits the highest crime that can be committed against sound commercial principles. A trust ought to be hung higher than Haman and they ought to put the man who organized it in prison. [Mr. Bailey said at Waco, in August, 1900, after the reorganization and re-admission of the Waters-Pierce trust in June: 'Don't blame Attorney General Smith; don't blame Secretary of State, Hardy; I assume all responsibility for the re-admission.' *What, then, ought to be done with Mr. Bailey under his own statement concerning the trust, and that they who organize it ought to be put in prison?*"]

"When you fine these trusts' officers, they pay the fines and then take the amount of it out of your pocket and repay themselves. [*Why then did he advise the officers of the State government to accept a fine from the Oil Trust and turn it loose on the people again?*] * * * Oh, they say, 'But Bailey got a fee.' Well, if Bailey had got a fee it would have been an honest one and that is more than I can say of some of the fees they get. * * * *In God's name, if I study more than they do, how long will it take them to catch up?* * * * *I can learn more in six months than they can learn in six years.* * * * Some of the editors of weekly papers who are opposing me have been opposed to me all the time and I hope they will be opposed to me to the end of time. I do not want to be under obligations to their kind."

Referring to Mr. Hearst, then a Democratic nominee for the Governorship of New York, Mr. Bailey said that he bought men and when his money bags would not answer, resorted to the sand bag; that he has done more to corrupt Democratic politicians than any man who ever took a part in public life.

"They say I ought not to talk about him because he is the Democratic nominee. * * * He [Hearst] is a political Ishmaelite with his hands raised against every man and every man's hands raised against him. He is so bad that his candidacy [*and though a Democratic nominee just as Mr. Bailey was at the time he uttered these words*] would degrade any electorate; his election would disgrace any office; and his leadership would destroy any party.

"Not one [of my predecessors] can point to a cleaner record than mine, * * * and yet with this record of fifteen years, these

men hunt me to destroy me. Why? I never did them any harm; I never injured them. Some of them never looked into my face; some of them I do not even know, and yet they pursue me with their rancorous malignity that is more than personal." [*If so, there must be a reason.*]

At Longview, Texas, November 2, 1906, (Galveston News, November 3rd), Mr. Bailey said: "Why any Democrat in Texas should not want me to be elected to the Senate after I have been nominated, is something that passes the comprehension of the right kind of Democrats; * * * they really think that I have done too much for the Democratic party. They hate to hear me praised in every state in the Union as the Democratic leader in the Senate. It wrings their narrow souls in anguish that I am mentioned as a possible nominee for the presidency in years to come. [*No one hears his name mentioned for the presidency since his Standard Oil and other trust negotiations have been disclosed.*]

"I do not need to invoke the witness of any man. *There is the record as stainless as a Christian life, as unsullied as a woman's name.*"

At McKinney, Texas, November 3, 1906, (Galveston News, November 4th), Mr. Bailey made use of the following language: "I shall occupy a portion of your time this afternoon is showing to you *what a set of infernal scoundrels* they are who have been seeking to make you believe otherwise [than that he is a faithful servant.]

* * * My rule is that when a man smites me on one cheek, *to smite him on both.* * * * As long as the memory of this infamous crusade shall last, *not one of the people who engaged in it will ever be permitted to hold a high and honorable office in this state at the hands of the Texas Democrats.*"

Would it not be *Democratic* to consult the "Texas Democrats" in this connection?

At Bonham, Texas, November 5, 1906, (Galveston News, November 6th), Mr. Bailey gave utterance to the following statesman-like (?) propositions: "When you scratch a name on a Democratic ticket, you make a black mark against your own name in the Democratic calendar of heaven. [What a pity!]"

Senator Bailey said he had many "winning ways" to make men dislike him, *one of them being his habit of stepping on Democratic toes that did not come up to the mark, [his mark].*

"They intend that if they do not have enough of the mind who wanted to vote against me, they would buy enough to make a majority. But they mistake. You cannot buy a Texan with character enough to get to the Legislature. But if they go to Austin with their money bags, I will put the dollar mark on their brows and I will put them, bribe-giver and bribe-taker, into the pen. We fight our political battles openly *and they are not going to use at Austin a secret room in which to carry on corrupt traffic.*"

The only room that the pro investigation forces of the Thirtieth

Legislation knew anything about being devoted to "corrupt traffic," was the bridal chamber at the Driskill Hotel, which was occupied by the Standard Oil Senator. The People's Group of the Representatives not only did not have any "money bags," but were so poor that the citizens of Austin made up a small purse to furnish a stenographer for use of the proponent of the charges, the Bailey Suppression Committee, having refused to incur that expense.

"I make no apology to them for calling these men liars, because the word liar is the only word that fits these men. * * * If these devils had let me alone this year, as they ought to have done, I would now be up in the doubtful states preaching the saving grace of Democracy to Republican heathens and infidels."

It is to be observed that the Oklahoma Democracy did not invite him to come seven miles across the Red River in their first campaign against the Republicans in that section, although he boasted at Austin that if Texas did not want him as a Senator, Oklahoma would welcome him with open arms.

*"My God, have mercy on their souls; may the Devil have pity on their body. * * * They tell you that I am too rich and the same devils six years ago were saying I was so poor I could not pay my debts." Both of which propositions are true and correct.*

At Denison, Texas, November 5, (Galveston News, Nov. 6th), this sage of Democracy gave forth the following owlsh wisdom: "Do not scratch it [Democratic ticket]. It is a bad habit. It grows on you and then it deprives you of the privilege of saying, *'I never scratched a Democratic ticket in my life!'*"

A vote for the investigation of a corrupt Democratic nominee or officer, or to postpone the election of such a nominee until the investigation can be completed, is not to "scratch a Democratic ticket."

"If it is of any importance to you, I came back to Texas [April, 1900] like any other man of modest means would come, in a Pullman sleeping car, and I did not borrow any man's pass and forge his name to ride."

But he did "borrow" \$3,300 from "My dear Pierce" at their first meeting and concealed the fact for six years and then admitted it only after proof had been made.

"Up in New York they are the hardest set on God's foot-stool. They lie about their brothers and cheat their partners. They can not point to any employment of mine that ever related in the remotest degree to the legislation of Congress. [What about the tariff on the product of the Tennessee coal collieries, Governmental mail contracts with his Tennessee Railway, 'Frisco Railroad franchise extension in the Indian Territory, investigation of the lumber trust by Congress, opposition of Trans-continental railways to the Isthmian Canal, denatured alcohol bill which he introduced in a form satisfactory to Standard Oil, Aldrich currency measure for which he alone among the Democratic Senators voted and about the

time that S. G. Banye, the Standard Oil banker, paid him \$5,000 for the Security Oil Company charter?] But they say the corporations are striving night and day to project their influence into Congress. And that is true. [*How does he know it?*] But those corporations do not try to exercise their influence over men like me. They lie in wait for the small men like those who happen to get in Congress.

"God could have made a worse man than Ring [*who the Houston bar elected as its president immediately after Bailey abused and sought to scandalize him at the Houston Crane-Bailey debate, October 6, 1906*], but he never did make any worse until he made Robertson and Crane."

The people of Texas have thought enough of Hon. M. M. Crane to repeatedly honor him both with the Lieutenant Governorship and the Attorney Generalship of Texas.

"Then there is Joe Cockrell. He was raised in this county and that is one of the things that Grayson county will have to answer for. Cockrell's father is one of the best men I ever knew, and for that reason I have forbore to speak much of him [Joe Cockrell], but before he assailed me he ought to have thought of that." After the monetary connections between Mr. Bailey and the Standard Oil octopi was disclosed by the publication of the famous vouchers hereinbefore reproduced, the elder Cockrell issued an address to his old constituents condemning Mr. Bailey and his duplicitous practices, referring to him as "*the most dangerous man in public life.*"

Austin, Texas, December 7, (Galveston News, December 8th), 1906. In addressing the student body at the University of Texas, where he spoke from a platform upon which not a representative of the faculty sat, he said to the credit of their intelligent patriotism, Mr. Bailey gave out the following preachments: "The citizen who does his duty finds no thorns on the pillow on which he sleeps. [*Hence his pillow has been so punctured.*] The public servant must and will be assailed by those who envy him his honor and traduced by others because they feel he is better than they can ever hope to be. [*An 'Holier than thou' attitude ever marks the moods of this self-confessed hero.*]

"In this state you find men declaring that when a man accepts public office he should shut his law office and let the worms and dust eat up his books."

Mr. Bailey is the only man who has said anything of the kind. His constituents complained not at his law practice, but at the lack of it.

It should be remembered from this point forward Mr. Bailey's utterances are now timed to fit the exposure of his monetary negotiations with the Waters-Pierce Oil Company through H. C. Pierce which exposure was made by the publication of the vouchers about December 1, 1906.

Belton, Texas, December 14, (Galveston News, December

15th), 1906. "Yes," said Mr. Bailey, "if I had any vanity I would get out and let the people of Texas see the contrast there would be [between he and any opponent who might offer for the Senatorship. He has never offered to leave it to the people, although he has had continuous opportunities so to do.]"

"And what does it all amount to? An attack upon my veracity.
* * * Now when they want to try me on a charge of not telling the truth, I object to some of the jurors. How many of *these scoundrels* will say that *they* never told a lie? I never saw the time when *I* was afraid to tell the truth; when man or devil could frighten *me* into telling a lie. And yet *they* have lied about me a thousand times.

"* * * Now the Dallas News—I presume a man may yet mention that paper in good society—but *you won't when I get through*. * * * You would think from reading the Dallas News that I had never done anything but practice law. *The fact is I have practiced law a very little* * * * [*That's the truth.*]"

In his testimony before the Whitewash Committee in 1901, House Journal, p. 164, Mr. Bailey disclaimed being much of a lawyer on such matters. "Question by Mr. Decker: Can you suggest any remedy for this anti-trust law? Answer: [by Mr. Bailey]: Mr. Decker, I devote myself to the study of Federal questions, and do not consider my opinion on State matters entitled to very great weight."

Referring to Attorney General Davidson, Mr. Bailey continued in his speech at Belton, "*You can say he is a liar if you want to, and I will believe you.*" And this of a Democratic officer? Isn't a Democratic officer as much entitled to respect as a Democratic nominee?

"This man Pierce ['My dear Pierce'] whom they say hired me in order to get my political influence, offered me \$50,000 a year to become *his private* counsel and I declined it." Mr. Bailey has evidently found it more profitable to remain *his secret political* counsel than his private legal counsel, for his earnings the last six years from those interests to which Pierce introduced him *have certainly far exceeded \$50,000 a year.*

"At a time when I should be at Washington attending to my duty, I am compelled to be down here standing at bay, while bloodhounds seek my life," concluded the much abused Mis-Representative from Texas.

San Antonio, Texas, December 15, (Galveston News, Dec. 16th), 1906. Mr. Bailey was being entertained in the offices of Colonel Jot Gunter where about a hundred partisans called on him during the day, out of an eligible voting population of twelve to fifteen thousand. "He would have the members of the Legislature ignore every other consideration except the fact that he is the party nominee and in more than one conversation this was the 'tip' given his followers this morning. They smiled, and it is presumed that this is the line to be followed in Bexar County."

"If he [a member of the Legislature]," said Mr. Bailey, "isn't prepared to vote for me, he should resign his office and go before the people for re-election on that issue. [*This was a shrewd scheme to get the people to vote on the issue before the investigation could be had.*]" Mr. Bailey continued: "*I have a telegram from Mr. Pierce in which he says the vouchers in the hands of Davidson are forgeries.* [Of course Pierce, having been under indictment twice in Texas and having *fooled* our Joe, his telegram should be conclusive proof of the "forgeries" and the fact that the Bailey-Pierce lawyers afterwards admitted the genuineness of the documents on the trial at Austin should have no weight.] I have not used this [the telegram] because I did not wish to be put in the attitude of having to produce evidence to the people of Texas to substantiate my word. I believe that *my statement that I have done no wrong is sufficient for the good people of Texas.*" Of course it was at one time, *and now that he adds the testimony of H. Clay Pierce the matter should have been immediately dropped.*

"The same men who are fighting me now are the same array of disappointed politicians who fought me six years ago. *Where I have lost one vote I have gained twenty.*"

De Leon, Texas, December 19, (Galveston News, December 29th), 1906. Referring to his old college friend, Hon. Tom Smith, Mr. Bailey said, "They assaulted Tom Smith in regard to this matter because he was a candidate for Governor and some of these others wanted to be Governor. *They did not start this thing against me originally, but against Tom Smith. They drove him to his grave and they would like to drive me to my grave. If I were on my death bed, I would get well to fight them.*"

Isn't it a little queer that the Texas Democracy should have been so vicious towards these two Mississippians as to intentionally *and with malice aforethought undertake and succeed in "hounding them to their graves?"*

"Why did they not bring their charges against me before the primaries? Because they knew that I would beat them.

At Proctor, Texas, December 20, (San Antonio Express, December 21,) 1907, Mr. Bailey declared, "Some of them say the salary [of Congressmen and Senators] should be raised but I say it should not. * * * Instead of raising these salaries let Congressmen work when the body is not in session [*graft, he means, and peddle their influence, which he found far more profitable than a slight increase in salary.*] If the people of Texas think I am a liar, they ought not to have me in the Senate [they will not the first opportunity they have to put a truthful man in his place.] If they think I am not a liar, then they should scourge *these scoundrels from the State with a lash of scorpions.*

At Dublin, Texas, December 21, (Galveston News, December 22nd), 1906, the brilliant Senator from Texas said: "That telegram [*which was sent from Pierce to Finlay, June, 1900, advising*

that Bailey should quiet all Texas parties] is a forgery just like the draft is a forgery. * * * They forged the telegram to lay the predicate for forging the draft, but I have got them by calling upon them to show the bank's endorsement or the bank record. [*Bailey knew that he himself had destroyed the draft after Pierce gave it to Francis, and Francis sent it to him, November 22, 1900.*] Somehow God has so created the universe that a lie cannot prevail. [*And that is just why Mr. Bailey is in so much trouble.*] They simply tried to forge too much. * * * *I will be elected to the Senate in January, and then you will hear no more about that forged draft.* [Why should his Standard Oil friends have forged a draft on him in 1900 when he was doing so much for them? Certainly no Texan would have done so, for nearly all Texans at that time had built an altar not only to his greatness but to his goodness.] And in God's name, is a Democrat from Texas compelled to resort to law to make a Democratic Attorney General treat him decently? * * * *I can say positively that the draft is forged because it is said to be signed by me.* I know that the draft which is supposed to be based on the telegram is a forgery, hence I believe that the telegram is a forgery. [All the Waters-Pierce Oil Company witnesses, including Finlay, who received the telegram, declared it, and all the notations thereon, to be genuine, and in spite of the Suppression at Austin last winter the draft in question was unexpectedly traced to Mr. Bailey's own door.]

"For men who stand in public places and question my political and personal integrity, I have no argument, but only epithets. [*There is no argument to be offered. Anger and abuse are the only 'arguments' available to a guilty man.*]"

"The Texas farmers are always right and have more sense than all the tribe of puny politicians put together. [To the farmers of Texas: Of course, "Coal Oil Joe" isn't a 'politician,' and consequently his mighty brain would not be placed in the balances against you unless, peradventure, the interests of 'My Dear Pierce' or of his side partner, John D. Rockefeller, are to be involved.] * * * The preachers, teachers, farmers, merchants, doctors, and, in fact, every class of people in this State are overwhelmingly for me except the lawyers. [*Are not the lawyers by their training and skill the best judges of his guilt or innocence?*]"

"*There is no community in America that does not know the name of this Senator from Texas,*" exclaimed his Royal Highness, as he stroked his swelling chest. No, not the remotest "hamlet" in the Republic of the Ancient Aztecs nor a snow-bound dweller in the frigid regions of Canada, but that are fully appreciative of his matchless renown. Even so; to be notorious is one thing; to be admired, respected and loved as he, at one time was, is quite another.

"*I promise you that I will be as faithful in the future as I have been in the past.* And at last, when looking my Redeemer in the face, I can lay my hand on my heart and say that I have kept my promise to my friends and to my people. [Let us pray, as the

preacher did over at Cumby in Hopkins county, July 12, 1907, in introducing the 'religious Senator,' who proceeded to tell them, among many other wise things, *that he 'had never done anything in his whole life that both his judgment and his conscience did not justify.'* But *'He that sayeth he sinneth not, is a liar and the truth is not in him,' sayeth the Scriptures.]'*

At Comanche, Texas, December 27, (Galveston News, Dec. 28th), 1906, Mr. Bailey employed the following characteristic language: "I have returned to make good my declaration that my record in Congress is *as spotless as a good woman's name.* * * * Maybe some of you all read the Dallas News. If you do, go back in the alley and read it; do not take it home. Last Sunday the Dallas News—*no, I don't read on Sunday. [Do you suppose the Senator prays on Sunday? Unless he does, there is no better way he could employ his time than reading.]* I know I said it that way, because it is the truth, *and I always tell the truth.* [Why mention it?]"

"Is there a man in this audience, friend or foe, who believe that Mr. Crane was justified in trying to prove by the Congressional Record or by any other record *that I was not the implacable enemy of the Standard Oil Company?* * * * I outlined the ramifications of the Standard Oil Company? *I explained how it does everything with oil; how it draws it from the well which it owns, transports it in its own pipe line, refines it in its own refineries, manufactures it in its own plants, sells it in its own wagons to the American people, who burn it in lamps made by the Standard Oil Company, with wicks which it likewise makes.*" [Seems to know their business pretty well.]

When do you suppose the Senator ascertained so minutely "the ramifications of the Standard Oil Company"? Answer: In 1901 when they paid him a fee of \$2,500 to ascertain whether or not they could do business in Texas in their own name? Still he didn't know anything about their connection in Texas with the Waters-Pierce Oil Company, nor the Standard Oil refineries at Corsicana, nor the Security Oil Company at Beaumont, for which he wrote the charter. That is to say, he did not know anything about these matters to tell Attorney General Davidson in Washington in 1906 when Mr. Davidson was there seeking light and Joe talked to him on the subject and told him how glad he would be to get the Bureau of Corporations to show Mr. Davidson any courtesies that the Senator could induce them to extend?

Waco, Texas, December 28, (Galveston News, December 29th), 1906. The citizens of Waco were coddled and flattered in the opening of his address by such expressions as: "I expect in my life time and yours, I expect while I am yet your Senator to be able to come to Waco on a boat by the Brazos River. When we have completed that work, I want to see the first trip made. *I want to stand on the bank and wave a last and long farewell to a cargo of dis-*

gruntled politicians as they begin their journey towards that salt river of which we have heard so much. [This is in marked contrast to his later declaration at Fort Worth in March, 1907, in opposition to the proposed navigation of the Trinity to Dallas, wherein he declared that "if they make it navigable to Dallas, I will make it navigable to Fort Worth]."

"I well could wish to spare myself the dirtiness of having to answer the multitudinous and villanous lies which men have been telling about me here as well as elsewhere in the State of Texas. * * * A falsehood is a moderate lie without any malice in it. What these men say about me is a gross of lies with nothing but malice in them. [*How grossly malicious the people of Texas must be.*]

* * * Only the other morning you must have read dispatches that while Foraker assailed the South, *Democrats looked toward my vacant chair*, and yet these men rejoice in the thought that when I again fill that seat my voice may not be so potential as it has been. [*If he was and is innocent, and has been exonerated and not white-washed, his 'voice' would only have been made more 'potential.'*]"

"The Republican Senator who dares ever to ask me in the Senate of the United States what it was Texas Democrats said to my discredit will have this answer, flat and fast, that they uttered an infamous lie which they dare not repeat upon the floor of the Senate of the United States. [*Will he tie the tongues of the Republican Senate as he tied the tongues of his boot-licking committeemen at Austin and permitted them to wag only in song and praise of his purity?*]"

"If by my single and unaided efforts I brought to the people of America the great blessing of an inter-oceanic canal, these men would deny me credit for the work and would have sworn *until their faces were blacker than their hearts*, and they would have to be *very black* to do that, that I sought to make myself the dictator of the United States. [*Ungrateful people they!*] * * * I declare here and now * * * that the Attorney General was in possession last February or March of every paper he pretends to have now, *including the vouchers*, as well as all others. [But the Attorney General did not have possession of these papers as a matter of fact until November, after his primary endorsement in July.]"

Referring to the punishment which should be meted out to the trust masters, he declared that the way to break up the trusts is to put the men who organize and operate them in jail and stripes. "If you fine them," said their "implacable enemy," the Senator, "they will fine you in the market places." Why then did Mr. Bailey try with Pierce, Johnson, Clark, Stribling, Henry and Judge Scott, to induce Mr. Cullen F. Thomas, County Attorney of McLennan County, to dismiss the indictments and the litigation there pending against "My dear Pierce" and his outlawed Standard Oil ally in May, 1900?

In his testimony before the Whitewash Committee in 1901,

House Journal 159, Mr. Bailey denied Mr. Thomas' statement that Bailey expressed the opinion that the Waters-Pierce Oil Company ought to pay "a liberal" attorney's fee, but that Bailey did say, "That they ought to pay such a penalty as would be a fair vindication of the State's authority and all of the costs, including a reasonable attorney's fee." Now he thinks that they ought to be sent to "jail" and put in "stripes." J. D. Johnson, Pierce's attorney, told the Whitewash Committee of 1907 that Mr. Pierce would gladly come to Texas and testify if Mr. Bailey would only give the word, but Mr. Bailey failed to "give the word" that would bring Pierce's testimony before said Committee, and at the same time land *him in the Travis County "jail."* "Consistency thou art a jewel," of rare occurrence with *Standard Oil politicians.*

At Waco during the above address, Dr. W. E. Hall, a friend of the Senator's, interrupted saying, "They say, Mr. Bailey, that you borrowed money from Pierce the first day you met him?" Senator Bailey raised his voice and said, "Well, I borrowed money from the president of a bank that I would not allow to speak to me on the outside. *I borrow money from rich, not from poor men.* I have repeatedly stated I would have borrowed that money from the Waters-Pierce Oil Company just as quickly as I did from Pierce, because at that time I believed it to be a legitimate corporation. [*Why then were they so particular to always make it a personal transaction between he and Pierce in the nature of an alleged "loan?" And why did Pierce always immediately reimburse himself? And why did Pierce, Bailey and Francis, after the agitation in Texas in 1900, see to it that Bailey's signatures to the so-called due bill and to the famous draft were returned to Mr. Bailey?"*]

"A high minded man does not permit his business to become mixed with his politics. [*Mr. Bailey's has become wonderfully mixed.*] Yes, I borrowed money from Pierce but before any man points to my private business, let him point to something in my public record that has been affected by my private business, and I will then answer his questions. [A close analysis of Mr. Bailey's attitude on legislation in which Standard Oil was interested indicates that he, while pretending the reverse, *was, in fact, always in harmony with Standard Oil desires.* Witness: Among other things, the fact that his denatured alcohol bill *suitied the Standard Oil crowd admirably* and that they opposed any amendment thereto during the session of Congress last winter (1906-7) while Mr. Bailey was down in Texas *undergoing such a persecution from his ungrateful constituents.*]"

Mr. Bailey then discussed, Ring, Robertson, K. Lamity Bonner, the Dallas Times-Herald, and the Fort Worth Telegram, concluding with a denouncement of the Dallas-Galveston News, as "*The scarlet woman of Texas journalism.*" Wonder what Mr. Bailey would say if he was asked to give forth his profound wisdom on the freedom of the press?

Graham, Texas, December 31, 1906, (Dallas News, Jan. 1, 1907).

"There will be no investigation," said Mr. Bailey, [*and there wasn't, only a disgraceful suppression, in spite of which, however, the case was so rotten that the scent thereof was noticeable throughout, not only Texas, but the entire nation*], "because there will be no man in the Texas Legislature that will be willing to stand up and say that he can prove anything to my discredit. * * * I have in my possession distinct, positive and cordial assurances of support from more than two thirds of the members of the Texas Legislature [*be it said to their shame*]. * * * The great corporations of the country whose greed I have resisted, *would rejoice to see my voice reduced to a whisper* [?].

Bowie, Texas, January 1, (Dallas News, January 2), 1907.

This was the point at which Mr. Bailey made his first speech in behalf of his candidacy to Congress in 1890.

"I can say," began the speaker, "that there is no man who voted for me then [for Congress] that is sorry for it, and every man who voted for me then is voting for me now, *and teaching his children to do so. [Is Mr. Bailey developing a hereditary claim to office?]* If there be any exception to that statement, the man who is sorry that he voted for me [then] has perhaps been sent to the lunatic asylum long before now.

"The Dallas News is 'The scarlet woman of Texas journalism.' It is always for sale and prefers to sell to fight against the people of the State of Texas. [The Fort Worth Record in which Mr. Bailey owns \$10,000 stock and possibly the Standard Oil Company the balance, of course supports Mr. Bailey, while the News does not.] *I helped to establish the Fort Worth Record. . . . I am glad I helped to crush its [The News'] power, and hear me, they have just reached the beginning of the end.* [Too bad]. My countrymen, what is their purpose? They have their editorials quoted all over the United States against me. What is their purpose? Their purpose is to impair my usefulness and diminish my influence. [And yet the News has always published Mr. Bailey's speeches in and out of Congress, more fully than any other Texas paper, *including his criticisms of The News*].

"The selfish ambition of some small politicians that see my shadow falling across their political pathway and the greedy corporations against whom I have stood in the Congress of the United States have combined to destroy me. [Such demagogery!] I challenge them and their minions to contest with the brave and individual Democrats of Texas. When I have finished with them, we will bury them in the filth and mire in which they have enmeshed themselves, *and decent Democrats will never again turn to look upon their spoiled faces.* * * * You noticed the other day in the Dallas News—but perhaps you don't like to have that paper mentioned in the presence of your wives and daughters. * * * *A Republican president will always do well to take my advice.* * * * There is no crime, my

countrymen, in this fair Republic that matches in its enormity a betrayal, and the man who will do it will commit any crime on the calendar if you will give him any way to do it. [Just as Bailey did.]

Austin, Texas, January 2, (Dallas News, Jan. 3), 1907.

In behalf of his candidacy before the special Democratic primary of Travis County, January 5, 1907, Mr. Bailey said: "It is a most extraordinary condition, which calls a Senator from Texas away from his duties at the capitol of the Republic to answer to a series of charges which, if they were true, and if they had been admitted in the beginning, involved neither personal, political nor professional misconduct. [Why then did Mr. Bailey pay any attention to them?]

* * * *I have learned [by experience we may suppose] that a lie upon the lip of a politician has more lives than a cat.* But I am not only going to kill this one, I am going to bury it and I am going to bury it face down so that the harder it scratches to get out, the deeper it will go toward where it belongs. * * *

My enemies begin talking about me on January 1st and continue until December 31st. * * * My countrymen, the more I mix with a certain class of politicians [*indicted politicians perhaps, such as Pierce, Kirby, Moore and Hornsby*] the better I like my horses. They never lie to me and they never lie about me. [Of course, "My dear Pierce" never *lied* to him and the Legislature of Texas was denied the privilege of ascertaining whether or not Pierce would *lie* for him under oath.] * * * The real style of that suit [The State of Texas vs. Waters-Pierce Oil Company] ought to be the Attorney General and other disappointed politicians to oust the Hon. J. W. Bailey from his seat in the Senate. [Why then did the Travis County jury assess the oil trust \$1,623,900, covering every day of its existence *since Mr. Bailey brought them back to Texas six years ago?*"]

"They stole these notes of mine. They stole this voucher of mine, *and they would have stolen that draft of mine if any such draft had been given.* [His notes, vouchers and drafts had gotten in bad company.] I will say that I never heard of a check for \$1,500 or any other amount between Henry & Stribling and the Waters-Pierce Oil Company or between either of them and the Waters-Pierce Oil Company and that I have had no more to do with it than Charles Fred Tucker had to do with the salvation of immortal souls. [Mind you he was very careful not to say that he had never drawn a draft on H. C. Pierce for the \$1,500 in question; was always careful to say that he did not draw a draft on the Waters-Pierce Oil Company, *and thus is his veracity above question.* There are two kinds of lies, a direct lie and an indirect one. The indirect lie is frequently a double lie]. * * * I said that if they would produce a note or a draft, an order or a paper, of any kind signed by me, endorsed by me or approved by me, I would resign my seat in the Senate and retire forever from public life. Isn't that broad enough? Do you know what these devils require of me? If they were to ask me if I went to church last Sunday and I would say no [note the equivocation that

was evidently present in his mind about the draft he did in fact draw on Pierce as was afterwards accidentally shown], they would want me to stand up every other Sunday and say that I had gone to church every other Sunday since I was born.

"Whose business is it when I borrow money as long as I keep my private and my public business separate and apart? [*But that is the very question in issue as to whether or not he has done so*]. Let these miserable dogs point to an instance of my public life where my private interest influenced my public duties, and I will discuss with them my private transactions from the cradle to this good hour.

"They will have the right kind of an Attorney General in Texas [*A Bailey-Standard Oil 'kind'*] some of these days, and then instead of trying to blacken the name of Senators in this State, he will be trying to punish the greedy criminals that infest it."

At Manor, Texas, January 3, (Dallas News, January 4,) 1907, Mr. Bailey addressed the citizens in his usual style. He said in part: For my watchful vigilance of the people's rights—these men are hounding me today in every county of this State. [*The liars seem to have been well distributed.*] I ought to be in the capital of the Republic at this hour; I ought to be in the Senate. * * * [*And so he would have been except he had listened to the money changers rather than to the heart-beats of the people.*] * * * Now and then you hear one of those miserable dogs—some people say I ought not to call them that; really, I do not think they are entitled to be called dogs, I think they ought to be called hounds—a hound is a little worse than an ordinary dog. * * * I am not afraid to practice my profession. If this corporation had wanted my services, I would have accepted their fee, because I believed that to be a legitimate and independent and useful business enterprise. * * * [*But our Joe was so credulous.* He would not believe the Standard Oil agreement itself to which the Waters-Pierce Oil Company was a party, through its stockholders, when Attorney Henry showed it to him in Waco and argued the case with him. He preferred the word of a trust master under indictment. The latter had loaned him \$3,300 and promised him \$1,750 more]. * * * I don't blame some of these lawyers for declaring that a man cannot serve the public faithfully because they know if they were in my place they would sell the Capitol of the Nation if they had a chance. [*If they, then why not Bailey?*] * * * I don't blame them so much as I pity them from the bottom of my heart, but here is the test: Don't judge me by the low standard which these men set up. I am willing for you to judge them by their own standard. * * * I am getting to the point where I don't think a man ought to be fined when he slaps a liar's face. This is one of the most peculiar political episodes in the history of the country. There never was before an attempt to make more political issues which would divide the State out of a small suggestion of a compromise in the courts of the country. Did you ever hear of it before? [*No; no Texas Senator ever*

suggested a compromise of the State's honor, to say nothing of his own]. You never will hear of it again, because when I get through with these men that are trying to make this mischief, *they will be buried so deep that the resurrection morn will not find them up*. I am going to bury them, and I am going to bury them face down, so that the harder they try to scratch out the quicker they will get to where they are going. * * * They catch every man they can and prejudice him against me and tell him *a thousand lies*. * * * They are running me against the world and I might add the flesh and the devil. * * * Why don't they say who they will ask the people to support against me? [Because that would have been disloyalty to the party until we had first shown the party nominee's unfitness from the standpoint not of party doctrine, *but of honesty and integrity*. When that was done, it would have been time enough to have talked of our candidates.] They dare not. In the first place, if they would stand their candidate *up by my side* he would not reach *to my waist; that's a fact*. When they come to comparing his public services to mine, he would shrivel to the proportion of a pigmy. [*Poor Texas!*]"

Austin, Texas, January 4, (Dallas News, Jan. 5), 1907.

Mr. Bailey closed the Travis County campaign by a speech in the skating rink, from which the following excerpts are taken: "I am ready again to affirm my right to practice law. Let us have no misunderstanding about it. I intend to continue to practice law as long as my inclination may lead me to do so. [But since Mr. Bailey's rise from admitted insolvency, when he was elected to the Senate in 1900, to opulence and wealth, *there is no evidence that he ever appeared before any court in the land*; his name seems to have appeared but to one pleading, that prepared by Ball & Andrews when he closed out the Southwestern Oil Company *as a competitor of the Waters-Pierce Oil Company*.]

"They had stolen the note to use against me and I was given a receipt when I paid the note. [Afterwards he admitted that he paid the \$8,000 note by giving one for \$24,000, and that the latter note was partially discharged by legal (?) services and as to the balance he refused to say. (See his testimony.) I will exhibit the receipt if they will acknowledge that they have lied about me. [*No trouble for Pierce to write receipts*.] It is a new doctrine that a man in public life cannot borrow money [*from the trust masters* (?)]. * * * The miserable wretch who would borrow money to repudiate his instructions will not pay it back. My judgment is that the man who will repudiate his instructions, who will betray the people, is a criminal and will take a bribe. [*Bailey ought to know*.] I keep my private affairs separate from my public duty. [*They have gotten woefully mixed in the public mind*.] as much as if I were two different men. I never had a temptation to mix them. I practice law, but I don't mix it with politics. I defy my most malignant enemy to show that I ever received a fee [He practically admitted that he had re-

ceived loans or financial favors from every beneficiary of his legislative efforts involved in the whole series of charges] in any matter remotely referring to legislation."

Wichita Falls, Texas, January 7, (Dallas News, Jan. 8), 1907.

After being introduced by one of his idolators, as "the greatest man on earth," our Caesar asked: "Who do they want to take my place? Tell the people of Texas what dark horse you have hitched out here in the bushes. Is he a scrub or thorough bred? Is he a Norman, Spanish, Calico, black or bay? [*He would not have been of the Standard Oil breed.*]

Austin, Texas, January 17 (Dallas News, Jan. 18), 1907. In addressing the Legislature after having privately examined the Waters-Pierce vouchers, letters and telegrams affecting him, Mr. Bailey said in part: "It is a little novel, however, for politicians to raise the question about the payment of debts. [*He evidently means that as a politician, he has never been in the habit of paying his loans.*]

* * * Ah, my countrymen, let me warn you of this, that there is not one of you against whom a serious charge cannot be preferred and supported with more evidence than they have produced against me—not one of you. [This seems an endorsement of Walpole's proposition, "That all men have their price."] They have raked the gutters from Galveston to New York; they have burglarized law offices; they have robbed the files of their employers and they have done their worst. [*Wonder why?*]

"If any reputable man here or elsewhere has a charge to make, I am ready to answer it. I only ask the privilege of being permitted to look into the face of a man who is willing to swear that I have done any wrong personally or politically. [Why wouldn't he look into the face of A. A. Green of Dallas, who was present in the Committee room at the invitation of the proponent of the charges, anxious to testify, but was not allowed to do so? *Why wouldn't he be cross-examined either by Crane, Cockrell or Cocke?*]

"Gentlemen of the House, I bid you good afternoon with this statement, that for four months I have been pursued with a rancor and bitterness never before exhibited against a public man in the State of Texas. If, with these four months of cruel and relentless war upon me, they are not prepared to make their proofs, then you are justified in concluding that it cannot be made. [The proof was offered. Enough was admitted to convict a man of felony a dozen times over if the charges had involved felony. Much of it was excluded, be it said to the shame of the suppressors of truth in the interest of political corruption in high places].

"I have borrowed much money in my time."—*J. W. Bailey.*



—Reproduced from *Houston Chronicle*.

Pierce's System of "Private Loans to Public Men."

"Where a man's treasure is, there will be his heart also."—*The Scriptures.*

ANTIDOTES FOR BAILEYISM.

If we mean to support the liberty and independence which have cost us so much blood and treasure to establish, we must drive far away the demon of party spirit and local reproach.—*Washington*.

Party standards are the shadows in which patriotism is buried.—*St. Pierre*.

The American patriots' prayer today might well be: God give us independent, patriotic men; men who will swerve neither to the right hand nor to the left in the fearless performance of their official duty; public men who will dare to do right, though it cost them their office; men who will be true to their patriotic convictions, though such course banish from them every hope of political preferment, forever; men, who, in times of peace, no less than in times of war, count their lives as but a reasonable sacrifice in defense of the honor of their country; men, who, to save the fair name of their State from disgrace and shame, will, if need be, meet demons or devils, fearlessly and unafraid.—*The Author*.

The tendency of party-spirit has ever been to disguise, and propagate, and support error.—*Whately*.

Of all kinds of credulity, the most obstinate is that of party-spirit; of men, who, being numbered, they know not why, in any party, resign the use of their own eyes and ears, and resolve to believe nothing that does not favor those whom they profess to follow.—*Johnson*.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits, is probably true. But in governments of a popular character, and purely elective, it is a spirit not to be encouraged. From their natural tendency, there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest, instead of warming, it should consume.—*Washington*.

To know how to wait is the great secret of success.—*De Maistre*.

A true patriot counts not the cost when the voice of duty calls him to battle, whether in military or civic warfare; the fearless patriot, to protect the honor of his state or of his nation, is blinded not by the glittering equipage of the opposing general, though he pose as possessing the pomp, the power, and prowess of a Goliath, an Absalom, or a Sampson.—*The Author*.

Greatness is evidenced by calmness, forbearance, patience and poise; weakness, by rage, passion, intolerance and abuse.—*The Author*.

The noblest motive is the public good.—*Virgil*.

Be just and fear not; let all the ends thou aimest at, be thy country's, thy God's, and truth's.—*Shakespeare*.

My country claims me all, claims every passion; her liberty henceforth be all my thought; for her, my life, I'd willingly resign, and say with transport that the gain was mine.—*Martyn*.

The patriot's boast, where'er we roam, his first, best country ever is at home.—*Goldsmith*.

Love of country is one of the loftiest virtues; and so treason against it has been considered among the most damning sins.—*E. A. Storrs*.

A courageous patriot is not abashed by the pompous array of a gilded staff of the dominions of graft; a steadfast patriot conscious of the rectitude of his course, shrinks not from the fray, but battles on to the end in defense of the people's cause.—*The Author*.

Honesty is the best policy.—*Franklin*.

An enterprise, when fairly once begun, should not be left till all that ought is won.—*Shakespeare*.

When once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith.—*Junius*.

Nothing is politically right which is morally wrong.—*Daniel O'Connell*.

That "all men are created free and equal," ought to mean freedom and equality of industrial opportunities as well as of political privileges; such freedom and such equality cannot be had at the hands of public servants who serve special interests.—*The Author*.

He who knows only his own side of the case knows little of that.—*J. Stuart Mill*.

Prejudice, which sees what it pleases, cannot see what is plain.—*Aubrey de Vere*.

Prejudice is the reason of fools.—*Voltaire*.

The more honesty a man has, the less he affects the air of a saint.—*Lavater*.

The foolish and wicked practice of profane cursing and swearing is a vice so mean and low, that every person of sense and character detests and despises it.—*Washington*.

To betray the peoples' trust is criminal; to deceive them and lie about it afterwards is a double crime.—*The Author*.

Punishment is lame, but it comes.—*Herbert*.

Thrice is he armed that hath his quarrel just, and he but naked, though locked up in steel, whose conscience with injustice is corrupted.—*Shakespeare*.

Oppose not rage while rage is in its force, but give it way a while and let it waste.—*Shakespeare*.

Of all men, the liar is the most despicable and dangerous member of society.—*The Author*.

He is next to the gods whom reason, and not passion, impels.—*Claudian*.

He that will not reason is a bigot; he that cannot reason is a fool; and he that dares not reason is a slave.—*Sir W. Drummond*.

Wouldst thou subject all things to thyself?—Subject thyself to thy reason.—*Seneca*.

Here is the manliness of manhood that a man has a good reason for what he does, and has a will in doing it.—*A. Maclaren*.

Other things being equal, favor thy friend, *but if the public good require it*, favor thy personal or political enemy instead.—*The Author*.

Recompense injury with justice, and unkindness with kindness.—*Confucius*.

It is in refinement and elegance that the civilized man differs from the savage.—*Johnson*.

He that will not reflect is a ruined man.—*Old Proverb*.

Let not the sun go down on your wrath.—*Anon*.

Friendship is good, but the sentiment "my friend, *right or wrong*, still my friend," should find no place in the life of a public man. The public weal, not private ends, should guide him.—*The Author*.

Long is the way and hard, that out of hell leads up to light.—*Milton*.

The world does not require so much to be informed as reminded.—*Hannah More*.

Of all acts of man repentance is the most divine.—The greatest of all faults is to be conscious of none.—*Carlyle*.

To do so no more is the truest repentance.—*Luther*.

Humility is the badge of gentility; the bully, the braggart and the bulldozer should be as much detested in political as in social life.—*The Author*.

Few love to hear the sins they love to act.—*Shakespeare*.

Many men are angry with them that tell them of their faults, when they should be angry only with the faults that are told them.—*Venning*.

Reputation is an idle and most false imposition, oft got without merit.—*Shakespeare*.

A reputation once broken may possibly be repaired, but the world will always keep their eyes on the spot where the crack was.—*Anon*.

Some political bootlickers seem to relish their morsel.—*The Author*.

When a man has once forfeited the reputation of his integrity, he is set fast; nothing will then serve his turn, neither truth nor falsehood.—*Tillotson*.

The nerve which never relaxes—the eye which never blanches—the thought which never wanders—the purpose that never wavers—these are the masters of victory.—*Anon*.

Do not, for one repulse, forego the purpose that you resolved to effect.—*Shakespeare*.

Responsibility walks hand in hand with capacity and power.—*J. C. Holland*.

CHAPTER XXX.

BAILEY VS. BAILEY.

A COLLECTION OF BAILEYESQUE BAILEYISMS —CONTINUED.

By thy words shalt thou be justified and by thy words shalt thou be condemned.—Jesus.

BAILEY, THE IMMACULATE.

Austin, Texas, January 21, (Dallas News, Jan. 22), 1907.—A statement issued by Mr. Bailey is in the following language:

"In this, as in all other cases, the liar tells either too little or too much, and thus enables his lie to be exposed." *Just so, Mr. Bailey; you evidently speak from experience.*

Austin, Texas, January 23, (Dallas News, January 24), 1907.—After his election, with the charges pending against him, by a vote of 89 (out of 133) in the House and 19 (out of 32) in the Senate, Mr. Bailey made an extended speech in which he said in part:

"[Referring to Mr. Hearst because of the Cosmopolitan article] A man whose candidacy would debauch any electorate; a man whose encumbency would degrade any office; a man whose leadership would destroy any party—he is a moral pervert, he is a political degenerate, he is a physical coward. Like many other people, he says things about me that they would not for their lives say to me [*Has Mr. Bailey ever made the above statement to Mr. Hearst, who was a Democratic nominee while Mr. Bailey was abusing him during the fall of 1906?*]

"I have already been elected this time and there will not be a corporal's guard of my enemies in the Legislature next time [Mr. Bailey had theretofore said there would not be exceeding four votes cast against him in the Thirtieth Legislature, whereas there were 58 cast against his exoneration]. * * * Ninety-five per cent. of the ministers in this State support me in this crusade against me; * * * the priests of the great Catholic church, the Baptists and the Presbyterians and all the ministers of every creed. * * * When I have got the farmers, and I have the preachers and I have the women, then I have no fear of consequences. * * * I am the only Democratic Senator from any Southern State who has ever been pursued by a rancor that demands his investigation every time he is elected to the Senate. [A man is known by the company he keeps. Mr. Bailey himself once said, "*When you lie down with hogs you get up with lice.*"] And yet in all the long and glorious history of our own and of the other Southern States, there never lived and served a man whose record is as much above the suspicion of unselfish men as mine. [*Some of us have been taught in humble Southern homes that self-praise itself is half scandal.*]

"Is it not strange indeed that with the most unreasonable and un-reasoning enemies that ever beset the pathway of a public man, they have not been able to discover *even one mistake?* Is it not marvellous that in a state like ours a man whose record is *as stainless as mine has always been*, can be pursued as they have pursued me? * * * My name is indissolubly connected! *Why, my name is indissolubly connected with the name of the State of Texas!* * * *

"With Gorman sick on what proved to be his death bed, the perplexities and difficulties and anxieties and the labor of the Democratic leadership rested upon me during that long and memorable fight on the rate bill. [*When Roosevelt and others thought him in secret league with Aldrich, and Tillman "watched him like a hawk."*] Ah, the truth is, my countrymen, I have worked too hard; I have served too well to suit some narrow minded souls. * * * If I were 70 years old I would be permitted to pass out in peace, but I am still a young man. [And while his exit may not be peaceful, it is *as certain as the people are honest with themselves and demand honesty in public men.*]

"The corporations are not afraid of a man who merely talks. They are afraid of a man who devises ways and wholesome measures to restrain their greed. I did that. [*When he got "My dear Pierce" a new permit to re-enter Texas and levy 700 per cent. per annum against the people?*] I shall only fight Democrats when they fight me and I shall only do it then because I think the party and the country can infinitely better afford to spare them than it can afford to spare me. * * * *Now I do not say that in any jocular spirit; * * * I say it only because it is the eternal truth.*

BAILEY BEFORE THE SUPPRESSION COMMITTEE.

Both during its sessions and while making stump speeches at its close, sometimes said to be testimony, Mr. Bailey made use, among many others, of the following expressions, 1907:

"I have borrowed money so often and from so many different people, that I am not so sure about these times and persons. [*The borrowing mania seized him long before he met Francis and Pierce, and had theretofore proven a convenient method of grafting with maximum returns and minimum risk.*] I knew if I told him [Pierce] to send me *exchange* for it, he would be very much more apt to attend to it promptly than he would if he would send me his check. * * * I think he signed all his checks, *I never saw anybody else sign one of them.* [The people of Texas will never know how many checks he signed for "Captain" Joe]. I told them [in the office of the Standard Oil] I did not believe a damned word they said, and I told them that I thought they all ought to be put in the penitentiary and that I would help to do it [How about "My dear Pierce?" Answer: At this juncture Pierce was having a quarrel with his Standard Oil allies. *This is why the fuss came up, and that is why Bailey took a hand in it.* That is to say, Pierce called on Bai-

ley to help him out, first, against the people of Texas; and second, to keep the Standard Oil crowd from dethroning him (Pierce) because of a controversy over the management of the Waters-Pierce Oil Company. *That is the reason "Coal Oil Joe" became so angry.*] I did not believe a damned word of it; I believe you own it [the Van Buren Waters-Pierce Oil Company stock], and if you do, I believe it is an unlawful enterprise and I hope the state will indict every one of you and send you to the penitentiary, and I will help to do it. [Why has he never helped Texas put Pierce in the penitentiary? John D. Johnson stated on the stand that Pierce would gladly come to testify and run the risk of being arrested, *if Bailey only gave the word*]. I went back then to the Waters-Pierce Oil Company [to their New York office] and they were a good deal—I mean to Mr. Pierce's office, *and Pierce and the others were a good deal alarmed* and Pierce said, 'If you do this [help indict the Standard Oil crowd], you just help to destroy the Waters-Pierce Oil Company, *[and of course "Captain" Joe could not smite the hand that had fed him]*, and that is what certain people are trying to do [and that is what the people of Texas are going to do, in spite of their traitor Senator]. And then I said, 'Why, if you believe that, why don't you get out and make a fight against them, and if you make a fight against them, I will help to do it. [Is that what Bailey and Kirby and Pierce are doing through the Abbott Investment Company in their recent purchases of hundreds of thousands of dollars of oil land in the Indian Territory? And are they getting ready to take over the assets of the Waters-Pierce Oil Company in the Southwest and thus continue the monopoly?]

I said no more about it and went away. [This was in 1905. Why didn't he tell Attorney General Davidson about it when he approached General Davidson on the subject in Washington *in the summer of 1906*, and proposed to enter the case with Davidson as an attorney for the State, *provided Davidson would guarantee a conviction of the company*. He must admit now that he knew the inner workings of the situation *at least a year before he talked to Davidson*. Of course he knew it from the beginning, for he had rendered an opinion *to the Standard Oil Company direct in 1901*, and he could not have rendered that opinion without they advised him of their methods and of their subsidiary company holdings.]

Instead of doing that—instead of consulting me about it and advising with me as to his purpose, he filed this suit simultaneously with the political attack made on me in Texas. [The fact that these exposures all came out simultaneously proves no connection in purpose between the filing of the suit and the various exposures of 1906] And I believed then and I believe now that that suit was brought at that time as a part of a political program, and believing that, of course *as a self-respecting man I could not afford to associate myself with the Attorney General* [what a pity].

I had promised to go into New England [in the summer of 1906]. I am probably the only man who has served in Congress for sixteen

years and who has occupied my position who has never made a speech in New England [what a loss to that literary and thought center]. I have never been there but once—I went to Hartford once to see about a matter of business for a friend of mine, and I am surprised that they have not put that in this investigation, too. [From this remark, the proponent of the charges is convinced that there was conscious guilt and that as a matter of fact, this “matter of business for a friend of mine,” should have been investigated].

They [his friends in the Twenty-Seventh Legislature, 1901] were not in favor of having any investigation, even if my enemies proposed it, and it would not even then except for my earnest insistence to the contrary—they would have put that resolution on the table and left it there and they wanted to do it, but I felt like if any member of the Legislature would make a charge, that then I wanted the Legislature to investigate it, and I stated to my friends then that if it was not investigated, it would become a sore place in the politics of this State, and that men would lie about it for twenty years to come, whereas, I thought an investigation would settle it. [He was a popular idol then; his hand was well on the throttle; there were very few who had lost confidence and it was evidently from his standpoint, an opportune time to be exonerated from the suspicion that even then arose and thus would he be enabled as he thought to ever after, plead as he has plead, *res adjudicata*]. I did not exactly know the kind of lies with which I had to deal. They have been lying about it since just the same as if there had been no investigation, and they will probably continue to lie about it.

I insisted this time that there must be somebody to make charges and that there ought to be some tender or proof that for the sake of Texas, as much as I say for my own sake. This is the only one of the Southern States that has ever investigated a Democratic Senator, and we have done it—this is the second time, *and the marvellous thing is that I am the man investigated both times*. There never lived a Democrat who had served this or any other state for sixteen years and whose record was as much above suspicion of self-interest as mine. *It was an infernal infamy that a lot of anonymous slanderers were permitted to come to this Legislature and lie about me like dogs as they were.* * * * I knew they would be liars if they said they could prove it, for I knew no living man could prove any misconduct against me. * * * We have been reputed for years to have not only the best Democracy in this nation, but the cleanest [And what a pity that Coal Oil Joe should have besmirched our hitherto untarnished record]. The investigation of a United States Senator is no light proceeding. It has never occurred before in the history of any Southern State. Such a proceeding as this has never occurred in the history of any State and that we, the greatest of all States, with the purest and most undefiled Democracy, that we could drag our men through the slime and filth of slander and then at the end no living man able to testify to a single act of even impropriety, has never be-

fore been paralleled in the history of this or any other State. ["Captain" Joe is a prodigy.]

Then when they would find that one [fact, like the \$3,300 "loan"] that I had not detailed, they would swear until they were *as black in the face as negroes* that there was something wrong with that transaction, and therefore I concealed it. I have been compelled to stand before the public, take and open my books [*the proponent of the charge could not get him to bring any books, letters, papers or documents before the Suppression Committee of 1907*] and show where I got money from and they have even gone into my horse trades and dragged them out and exposed them to the public. It is gratifying to know that they have not found where I cheated anybody in a horse trade yet. [Although it was shown that he owed Gates an overdue note of \$28,100.00 for three or four years, *said to have arisen out of "a horse trade."*]

I did not think then, and I do not think now, that the people of Texas have any right to call on one of their Senators to open his books for their inspection of his private business [To the Suppression Committee of the Twenty-Seventh Legislature, 1901, House Journal, page 162, Mr. Bailey said: "It is not pleasant to feel compelled to make a public statement of my private business affairs, and it is still more disagreeable to feel compelled to state the private business affairs of other gentlemen. *But a man cannot stand upon a question of that kind when his integrity is assailed; and I have deemed it a duty to myself, my friends, and, most of all, to my party and to my State, to trace every dollar of the money paid for and received from the land, cattle, horses and mules purchased by me from Mr. Gibbs, so that no honest man can ever again misunderstand the transaction, and no scoundrel can ever again successfully misrepresent it.*"] And I think that whenever the Democrats of Texas reach the point that they do demand that of their Senators, they ought to get them another Senator, [*and they will as soon as they have a chance*], and the people of Texas today do not demand any such thing of me as I am being compelled to give before this committee. * * * The people of Texas have not reached the point yet that they think their Senators have to be stripped in full view of the public in order that the public may know that they have nothing ill gotten concealed upon their persons. [Such was the view of the people of Texas with reference to their Senators past and present until "Coal Oil Joe" was "*caught with the goods on his person.*"]

There was but one man out of all the men who represented those counties [his old fifth district] in the Legislature [1901] who was really willing to vote for an investigation. All the others wanted to kick it out of the Legislature, but I remonstrated with them and pursued the argument as I outlined here awhile ago [*that such was the best way and time to hush the scandal*] and then they agreed to go back and vote for the resolution [The McFall Resolution].

I sent for Mr. Smith to come to my room and I said, "I see that

statement [that Mr. Smith would vote against him except for his instruction], and I want to relieve you so far as I can from your instructions. [*Why didn't he relieve all the members of the Thirtieth Legislature in 1907 of their instructions?*] I would like for you to vote against me. I would like to see what the folks in Collins County would do to you at the next election.' [*Why didn't he want to see what the people of Texas would do to the members of the Thirtieth Legislature if he should release them?*]

This is the only one of the Southern States that has ever investigated a Democratic Senator, and we have done it—this is the second time, and the marvellous thing is that I am the man investigated both times, and *there never lived a Democrat who had served this or any other State for sixteen years and whose record was as much above suspicion of self-interest as mine*, and it was an infernal infamy that a lot of anonymous slanderers were permitted to come to this Legislature and lie about me like dogs as they were.

There are honorable men who have not taken my part [in this controversy], but they do not live in Gainesville, nor do they live in that vicinity. (p. 907.)

For six years these men have been scouring the gutters and have been committing burglaries, thefts and interlineations, simply for the purpose of showing I didn't tell the truth. That is the whole of it. There is nothing else in it, and that is what I regretted very much, that my service was not one for which I might have accepted a fee, so that I might have said so. I have said that repeatedly and that is doubtless the basis of that charge. A number of men in this State have told me that had they been in my place they would have taken a fee for the service I rendered. (p. 910.)

Mr. Johnson's real complaint was that I spoke bitterly of his friends. I said, "Who are your friends, Mr. Johnson?" "Well," he says, "these gentlemen who have been opposed to you." I said, "Mr. Johnson, I have never spoken bitterly of any man who had not first spoken bitterly of me." He said, "Well, now, in your speeches you have denounced them as liars and scoundrels." I said, "Yes, and I intend to continue that because I believe some of them are liars and scoundrels. In fact, I know they are, but I have always stated in every speech I have ever made that I had no words of censure against the honest man who believed these charges, or who not believing them still wondered, to use the common expression, '*if there was not some fire where there was so much smoke.*'" "Now," I said, "for these honest men I have never uttered an epithet, but on the contrary I have always exempted them from my criticism, but the men who are traversing this State, assailing my personal and political integrity, I have denounced them as liars and scoundrels, and I intend to continue to denounce them as liars and scoundrels for that is precisely what they are." (p. 913.)

Mr. Johnson still thought I ought to be mild; in other words, he thought or seemed to think that although these men stand upon street

corners and denounce me as a traitor to my country, insinuate that I have not been an honest man, that I ought to draw my cloak around me, and with meekness and humility say, "Pray, sirs, don't do that." "Now, I am not going to live that way. *That is all right for the Christians, but it is all foolishness for the politician.* The man that goes into politics and does that, they will run him into the Gulf, and they ought to, because a man who does not smart under the kind of imputations that have been leveled against me, and who does not prevent it, is either a *pusillanimous preacher*, or else he is guilty, one of the two. There is not a man of virtue and honesty in the world that will hear what these men have said about me and not resent it. *I think I deserve great praise for not taking a shotgun and killing them, and if I could have gotten around, that is what I would have done. I would give my seat in the Senate tomorrow if I could settle with them all at once.* (page 913.)

I have never carried a red flag in my hand. (p. 923.)

Dallas News, February 28, 1907.—On the night of his dishonor (by his friends called his "exoneration") when a majority of the Texas Senate and House had passed upon his guilt or innocence, without waiting to receive and consider the testimony, and in the face of the fact that a majority of the Senate Committee were pleading for the opportunity to continue the investigation and were summarily discharged for fear that they would bring in an adverse report, Mr. Bailey said in part:

I had intended at the end of this Senatorial term to retire,
* * * but the war these infidels have waged on me has changed my purpose, and I never intend to retire until all of them are safely buried, politically speaking. However, I do not care to retire when they are buried, because if I did I would have to retire at the expiration of the next year. They have made their own graves. We are going to lay them away in those newly made graves. *We are going to bury them face down, so that the harder they scratch to get out, the deeper they will go toward their eternal resting place.*

Let us take our place on the side of Christian Democrats, while they take their side *with the infidels, Republicans and Socialists.* There is no place hereafter in the politics of Texas for the fence rider. The man who tries to fight between the lines is certain to be killed. * * * To quibble over whether you will vote the exoneration today [in the absence of the testimony] or a week from today [after you have read and weighed the testimony] is unworthy of sensible and honest men.

I want to say to my friends, *I want to say that I lay my hand on my heart*, the night will never be too dark nor the ride too long for me to come when you ask for help. For you I will fight like you fought for me. I will fight without asking what the issue may result [will he fight as he has fought for "My dear Pierce," for Dave Francis and Joe Sibley, "whose hearts lay close to his heart," and who whispered gently in his ear, "Put money in thy purse?" Will

he fight for Kirby, the Lumber King, *to whom the poor of this State pay tribute, because they are able only to build shelters of shingles and shanties of pine?* Will he fight for Hanger, Odell and McNulty, *now employed by Standard Oil?* Will he fight for the oil, the lumber and the railroad trust, as he has fought for them heretofore? He says he will *and in this particular connection we have no reason to doubt his word*].

Mark my words, not one of the men who organized and who sought to accomplish this conspiracy will ever again wear the honors of Texas Democracy. They cannot be trusted, because a man who will betray the people's trust, would betray the Republic itself, if Hessians were for hire, and they are fit associates for men like that. *They honest? Not an honest drop of blood courses in their veins.* They say this is bitter speech. *I intend it to be bitter.* If I might borrow a sentiment from the great infidel, Robert G. Ingersoll, *I would say that I sometimes wish that I might possess words of pure hate, words that would writhe and hiss like snakes,* for only then could I express my opinion of the men who organized and conducted this conspiracy. * * * They lie about me in order to get the Legislature to defeat me, and then when the Legislature would not defeat me, they lie about the Legislature.

If I live not one of their kind will ever again disgrace the State of Texas by holding an office under its authority. They made this contest. Now let them abide by its consequences. Call the roll. Every man who voted against me in the beginning, voted against me here today [and *some more, too*]. In my home I intend to put the photograph of this Legislature. Two pictures will embrace that photograph. Over the one I am going to write "The Roll of Honor," and I am going to put you men there. Over the other, I am going to write "The Rogues' Gallery," and I am going to put there the picture of the men who have betrayed the Democratic [Bailey] party of Texas, *and I am going to swear my children never to forget the one, or forgive the other.* * * * How long will it take the Democrats of Texas to forgive them? If it were not happily true that Oklahoma and the Indian Territory country are soon to become a State, [which by the way, he always opposed, and against which he made a speech in 1905] nearly all of them would be in the Indian Territory in less than six months, after this Legislature adjourned. They would be trying to hide their misconduct in the jungles of Indian Territory, but even there their infamy has preceded them and I rejoice to say that from almost every community in the Indian Territory I have received resolutions of commendation, of confidence [if he was not prevaricating about this, *why then did he receive no invitations from the Democrats to speak in those territories during the spring and summer of 1907,* when they were fighting for the adoption of their constitution and the election of a State Democratic ticket? He spent the whole summer abusing his enemies in Texas, but not a word of invitation did we hear from the Democrats seven

miles from his home "*Come over and help us.*") From one hundred communities in that new and splendid commonwealth they have sent me messages from town meetings and Democratic conventions that if the State of Texas was tired of my services, to come amongst them and they would gladly send me to the Senate of the United States [The author's information is that the Territory people are strictly on to his practices *and remember his opposition to their statehood.* Many of them think that this opposition was *in behalf of certain wealthy stock interests*, claiming lands for grazing, and which interests paid him large fees]. *There are more states than one from which I might reasonably hope to be elected to the Senate of the United States.* * * * I have represented it [Texas] for six years. *I will represent it for eighteen years longer.*

This has been a peculiar campaign in another respect. There were fifty candidates for the Senate of the United States in Texas, of all sorts and sizes, and of varying intellect, from the Elder Statesman down to the Driveling Idiot, [by "Elder Statesman" he was thought to refer to Judge John M. Duncan; by "Driveling Idiot" he was thought to refer to the proponent of the charges. *Isn't it strange that a guiltless and brilliant United States Senator could be so exasperated by the feeble efforts of a "driveling idiot" before a partisan suppression committee?*] There were men who thought they might be elected to the Senate in my place. Why that was a favorite method of campaigning. They would go to one of my friends and say, "Here, you quit supporting Bailey. We intend to elect you if we can beat Bailey," [The only promises of this nature that the author ever heard of, were the promises made by Bailey to elect his supporters to Congress and to various state offices.] They influenced some weak members that way. They elected nobody? There has never been an instance of such audacity in this world [*his audacity, that is true*] as their proposition to elect anybody Senator since the day that satan took the Savior onto that high mountain and offered him the kingdoms of the world to fall down and worship him. Satan did not own a foot of that land [*just as Bailey did not own the equitable title to the land he sold Green*] nor control a kingdom of the east, and yet he sought to tempt the Savior of the world with that ambition. It is the only parallel of this modern case [*Bailey and his enemies likened unto the Savior and to Satan! What blasphemy!*] where these anti-Bailey men propose to elect somebody to the Senate of the United States. When they get back home you will find these men who voted against me declaring that they were not anti-Bailey men. I have had that experience. I had it back in the old fifth congressional district. They lied about me up there—not as viciously as they have done down here, because that class of people were incapable of this class of lying, but they told many things that were not true. Do you know how we broke them up? Why, we got so that we would not let one of them go to a precinct convention. We would not let them be elected a Justice of the Peace, and that made

Christians out of them on the spur of the moment [*Great indeed was and is our "Captain" Coal Oil Joe*]. Now let us try that on these fellows. *Never let them go to a convention. You cannot trust them.*

*We are going to line up next year. Well, we won't have any contest over the Governor, he is all right. But from the Governor down—including the Lieutenant Governor. * * * It was never done before. It will never be done again in Texas. Mark my words for it. We will teach them a lesson. He needs it. He will get it. As sure as God [and Boss Bailey] lives and rules the universe. I have a letter written to me before the Senate convened in which I was warned that the Lieutenant Governor was going to pack the Senate Committee on Investigation. He did it. I will pay him for it. If God lets me live, I will pay him for it. [As a matter of fact, the outgoing Lieutenant Governor who was friendly to Bailey appointed the Senate Committee and not the incoming Lieutenant Governor, to whom he refers.] I owe no grudges that I have not tried to pay to my enemies. * * ** I warn you now. I have had some experience about these things. I warn you now that the man who does not hate his enemies never loves his friends—["My dear Pierce."] They have not made any more trouble for me than I have made for them. There is not a grafter in the State of Texas that has not been engaged in this war on me. We have been offering a reward [*with Standard Oil money—?*] for any one of them. Now, of course, I know why they think I have done these things. *They know they would have done them if they had been in my place. [Then why not Bailey?]*

They have exhausted the arts of cunning politicians; they have resorted to every appeal of prejudice, to slander and to falsehood, and yet in this mighty storm, raised by some bad magician, the honest men outnumbered the other men in safe majority. *I will not forgive them this side of the grave.*

At Grand Prairie, Texas, June 29, 1907, Mr. J. W. Bailey said: "They crucified Him between two thieves, and yet the people that crucified the Savior were angels compared with those devils that were after me."—Dallas News, June 30, 1907.

At Cumby, Hopkins County, Texas, July 12, 1907, Mr. Bailey said that "the money changers in the Temple, who aroused the Savior of men to anger, were angels of light and mercy compared with the devils who were after him." Also: "That never in his life had he done an act that his conscience or his judgment did not justify."—Dallas News, July 13, 1907.

Then what sort of "conscience," and what character of "judgment" must this saintly politician possess, never to have violated either during the course of his whole life? "He that sayeth he sinneth not is a liar and the truth is not in him."—The Scriptures.

Comparing his own experiences to those of Christ, and his "enemies" to "devils" more vile than the beelzebubs of the Scriptures, is a favorite illustration with this celebrated statesman, and in this is found added proof of his indisputable claim to the designation, be it

said in charity, not in criticism: *The Most Illustrious Ego-Maniac of all History.*

At Dunn's Pasture, near Hearne, Texas, July 24, (Dallas News, July 25,) 1907, Mr. Bailey said, among many other things:

"Many doubtless expect that I have something to say about the men who have been pursuing me, but I will not insult your decency by that. Some of those men have been in the penitentiary *and most of them would be if they had their just deserts.* * * *

"A committee offered to pay the expenses of any witness who would swear against me, but though that committee sat for seven weeks it could not find a man who would testify to any of their charges. Some will tell you that the committee was packed, but I don't ask you to take what the committee said about it, but take what the witnesses said. *They had burglars, perjurers, thieves and forgers to testify,* and never got one syllable against me. While they were declaring I was the worst Senator that they had ever had, they were proving to you *that I was the best Senator that the United States ever had.* * * *

"I have done nothing wrong, but these men have done nothing right, except by accident. They are the worst crowd that ever disgraced the politics of this state. If I'd say what I want to about the newspapers that are fighting me, *it would burn the type.* So far as the others are concerned I will leave as chaff and scatter it to the four winds of heaven to be forgotten. * * *

"Any man who has an income and will not devote a part of it for the maintenance of the government, *ought to be in hell.* * * *

BAILEY, THE JUST AND WISE (?).

Mr. Bailey said the liars who were talking about him were real liars and not falsifiers. "When I make a mistake, I at once apologize for it, but I make so few mistakes I am seldom called upon to apologize." * * *

"I am *one senator* whose record must be acknowledged to be *just and wise,* and it is useless for me to defend myself. *Did you ever hear of any of my enemies say I ever did a foolish thing in congress or ever made a foolish speech?*"

Bailey again excused his anger by showing that the Savior, Jesus Christ, even became angry and called the money lenders vipers. 'Christ would not have used that word if he had not been angry. Some honest men may have doubted before the investigation, but any man who continues to doubt after the investigation and persists in assailing me, *is a liar, a thief and a scoundrel.*'"

Fredericksburg, Texas, August 1, (Dallas News, and San Antonio Express, August 2), 1907.

Mr. Bailey said, "I would not talk politics because my words would set the harbour on fire." He spoke of Christ loosing His temper and scourging the money changers from the Temple, and said, "Those Hebrew money changers were angels of light and mercy compared to these devils who have been fighting me."

Garland, Texas, Aug. 9, (Dallas News, Aug. 10), 1907.

Referring to the Populists whom he claims to have "broken up in business," Mr. Bailey said, "I dismiss them and turn them over to their God, *and he will damn them.* * * *

"They tried me as by fire," he said. "I walked across the burning marl of their slanders of hell and there was not the smell of fire about my garments when they had passed through." [But even the fires "of hell" could not remove the smell of oil from his Senatorial toga.]

At this point some one told Senator Bailey that a child had been lost and the Senator announced to the crowd: "Some one says that a little child is lost, but it is in the hands of a good Democrat and the mother will get it; *if one of my enemies is the father of that child, he is off telling lies on me.*"

"A few honest men are against me, *and no good women are.*

"They say that public servants should not represent public service corporations. I agree to that. I never represented a public service corporation in my life. * * * I never lost a lawsuit in my life from bottom to top, yet those fellows say I am no lawyer."—Fort Worth Record, August 10, 1907.

Mineral Wells, Texas, Aug. 19th. "If the best of those devils were put in my place, it would be like a mustard seed in a drinking gourd.

"I will remain in the Senate longer than those devils live.

"Crain and Cockrell wrote those charges,"—which is untrue.—The Author, who heard him.

Bowie, Texas, Aug. 24th. In referring to Representative Cable of Montague County, who voted against his exoneration, Mr. Bailey said: "Cable is a dead horse; too dead to skin. It would bankrupt the plan of salvation to save an infidel like him."—San Antonio Express, August 25, 1907.

Bowie, Texas, Aug. 24th. "As long as I am in politics, whoever smites me on one cheek will find me smighting him on the other."—Dallas News, August 26, 1907.

BAILEY VS. BAILEY.

JUST A FEW DEADLY PARALLELS SHOWING INCONSISTENT UTTERANCES OF SENATOR
"REPUBLISH."

To the Editor of The Chronicle:

Comanche, Texas, Jan. 21, 1907.—Mr. Bailey says that the fight that is now being made upon him has narrowed down to a question of veracity, and he puts his word unsupported by evidence of any character whatever against the documentary evidence that has been brought to light against him. Thinking that his own speeches and testimony might furnish some light on the subject of veracity, I have drawn up in parallel columns a number of Mr. Bailey's utterances that, to say the least of it, are very materially wanting in consistency: *The senator should have a good memory.*—Oscar Callaway.

"I want to appeal to you today to help Judge Brooks to be governor of Texas, for he helped me to be senator."—Bailey

"The Campbells are coming."—Bailey at the Dallas convention, the day before the balloting for governor began. He ex-

(Continued from 1st column)

at Gainesville during the race for governor.

"I want nothing from the people of Texas except what comes of their confidence and their good will."—Bailey at Houston.

"I have resolved a second time to lay before the people of Texas my entire connection with that affair (the re-admission of the Waters-Pierce Oil Co.) and when I have told it all to you, the intelligent man will be amazed that so much has been said when so little was done."—Bailey at Houston, October 6.

"He (H. C. Pierce) went and returned with a new charter, procuring it at an expense of more than \$50,000, and I happen to know today that he has issued written instructions to every agent in this state to obey the anti-trust laws of Texas, in spirit and letter."—Bailey at Waco, August 8, 1900.

"Now, fellow-citizens, do we as democrats of Texas, believe that we have fallen so low as to elect a senator who sells his services to corporations? I do not believe that time will ever come when Texas will make that mistake."—Bailey at Waco, August 8, 1900.

(Continued from 2d column)

pressed himself as greatly surprised that this statement should have been given any local significance.

"There will be no investigation. * * * I am the nominee of the democratic party."—Bailey at Graham.

"If I were collecting a fee do you reckon I would have made it just \$3,300? I would have made it about \$30,000."—Bailey at Comanche, December 18.

"I do not know anything about the re-incorporation of that company."—Bailey in a letter to Davidson, October 3, 1906.

"After that conversation I took the train. I went back to Washington, and I never heard of the dissolution of the old Waters-Pierce Oil Company. I never heard of the organization of the new one. I never heard of its application to do business in this state again, until they were attacking the secretary of state and the attorney general, long after it had been completed."—Bailey at Houston, October 6, 1906.

"They only claim that I have practiced my profession for a corporation. Yes, I have practiced my profession for a corporation, and I intend to continue to do so just as long as I believe the corporation is not corrupt."—Bailey at Comanche, December 18, 1906.

"I had not only attended to this matter of the Tennessee properties for Mr. Pierce, I had attended to other matters for him, and, under the same circumstances I would do the same thing again."—Bailey at Houston, October 6, 1906.

"I want to say here and now, I make no apology for what I did. If it was to do over again, under the same circumstances, I would do precisely the same thing."—Bailey at Waxahachie, October 12, 1906.

"For myself, I propose to do as I have done for 15 years. * * * If they (my constituents) desire to lay down another rule it is well within their right and duty to elect somebody else to fill my place."—

(Continued from 1st column)

"Mr. Crawford, you say you will vote against my election to the senate. Do you not know that I am the nominee of the democratic party? * * * What right have you to call yourself a democrat and run against a democratic nominee? That's exactly what you are doing."—Bailey at Graham, December 30, 1906.

"I still say 'Mister' (referring to H. C. Pierce). I never abuse a man behind his back; what I have to say I say to his face."—Bailey at Houston, October 6, 1906.

"I never accepted a fee in all my life for appearing before a legislative body—never accepted a fee for any service like that in all my life."—Bailey at Waxahatchie, October 12, 1906.

(Continued from 2d column)

Bailey in an interview at Washington, September 19, 1906.

"He (Hearst, democratic nominee for governor of New York), has done more to corrupt democratic politicians than any man who ever took part in public life. They say I ought not to talk about him because he is the democratic nominee. He is a political Ishmaelite with his hand raised against every man and every man's hand raised against him. He is so bad that his candidacy would debase any electorate and his leadership would destroy any party."—Bailey at Brownwood, October 29, 1906.

(Some may recall that Mr. Bailey denounced Mr. Bryan as a populist in 1896 after Bryan had been nominated by the national convention at Chicago, of which Mr. Bailey was a member, and that he refused to be a candidate on the same ticket with Bryan until his people begged and wheedled him into it).

(Read the statement given above regarding W. R. Hearst, democratic candidate for governor of New York.)

"Every man in Texas who questions my personal or political integrity I denounce as a liar and a scoundrel."—Bailey at Dublin, December 21.

"Tell us about Gruet," said a voice.

"He's not worth talking about. He's a drunkard, a vagabond, a blackmailer and a thief. I might add he is the confidential friend and agent of Attorney General Davidson."—Bailey at Belton, December 14.

"He (Attorney General Davidson) called his cabinet and conspirators about him, etc."—Bailey at Belton.

"Liars," "scoundrels," "thieves," "devils," "hyenas," "dogs," "hounds," "socialists," "conspirators," "forgers," "traitors," "the scarlet woman of Texas journalism," etc., etc.—Bailey at many times and places in Texas.

In March, 1901, a bill was introduced in the Texas house of representatives declaring the readmission of the Waters-Pierce Oil Co. a fraud and revoking its license to do business in Texas. Senator

(Continued from 1st column)

"I never in my life took a fee to appear before any legislative assembly or before any department of this government from the federal courts down. Never in my life did I appear before any of them. I practice law, not influence."—Senator Bailey at Houston, October 6, 1906.

"I declared that whoever organized a trust ought to be put in the penitentiary two years before any of these small voices now baying me ever heard of the subject."—Bailey at Waxahachie, October 12, 1906.

"I have seen checks lie on his (H. C. Pierce's) desk a week waiting for him to sign them."—Bailey at Dublin, December 21.

"I helped to draw the amendment that made the pipe lines of the Standard Oil Company a common carrier and I included the pipe lines of the Standard Oil Company in that amendment which forbids the same men to be engaged in production and distribution."—Bailey at Greenville, from Dallas News, October 2.

"They say I am attorney for the Standard Oil Company, yet I wrote the provision that put pipe lines under control of that rate bill."—Bailey at Greenville, from Houston Post, October 2.

"I helped to make the pipe lines of the Standard Oil Company common carriers and to bring them under the jurisdiction of the interstate commerce commission."—Bailey to Crane in letter published January 4, 1907.

"In order to save delay that might arise from his (Pierce's) neglecting to send me his own check or overlooking the endorse-

(Continued from 2d column)

Bailey left Washington and came to Austin and did all he could to defeat the measure, on the ground that, if passed, it would be a reflection on him. The bill was defeated. Before returning to Washington, Mr. Bailey wrote the following letter:

Gainesville, Texas, March 28, '01.

Mr. H. C. Pierce,

St. Louis, Mo.:

My Dear Sir:—Send me New York exchange for \$1,750. Have it made payable to my order so that it will not be necessary for you to endorse it. Send it at once as I ought to have had it several days.

(Signed) Your friend,

J. W. Bailey.

The amount was sent to Mr. Bailey and charged on the books of the Waters-Pierce Oil Company, "against legal expense on account of Texas legislation."

"I want to say to the people here that I have transacted many million dollars' worth of business with H. C. Pierce."—Bailey at Dublin, December 21. (Pierce is president of the most merciless trust ever organized.)

Query: What was Senator Bailey doing in Pierce's office for a week at a time?

"I was not certain in the first instance that pipe lines ought to have been made common carriers, because I freely say that I had never heard any serious complaint about the charges or practices of pipe lines. * * * I myself, therefore, did not take any part in the proposition which brought them under the act."—Speech by Senator Bailey in the senate, Congressional Record, June 29, 1906.

Query: Which would require the greater amount of time, and which would be likely to cause the greater delay, for Pierce

(Continued from 1st column)

ment of exchange, I told him to send me New York exchange, at once, and to make it payable to any order, so as to save the necessity of his endorsing it."—Bailey in reply to Davidson, December 6, 1906.

"I had no more to do with the actual readmission of that company in this state than Senator Looney."—Bailey at Greenville, October 1, 1906.

"He (H. C. Pierce) thanked me for my assurance and said that he would be glad to pay me for my trouble. I replied that he could not pay me for that kind of service, and then he said: 'Why, you are a lawyer.' I answered: 'Yes, but that I practiced law and not influence.'"—Bailey before the legislative investigating committee, January 21, 1901, under oath to tell the truth, the whole truth, and nothing but the truth. No mention whatever is made of a loan.

By thy words thou shalt be justified,
and by thy words thou shalt be condemned.
—Jesus.

"I tell you, that I never practiced law for any monopoly a day in my life."—J. W. Bailey in Crane-Bailey Debate. (Houston Post, October 7, 1906.)

"I never represented the Waters-Pierce Oil Company, the Standard Oil Co., or any monopoly in my life. When they say a man in public life has no right to practice law for a trust, they raise no argument with me. I not only join them, but I go further. I say that no man in public or private life has a right to represent a

(Continued from 2d column)

to sit at his desk and write his personal check or to go to the bank and purchase New York exchange? Was it delays or Pierce's name on the paper that Senator Bailey was seeking to avoid?

"I am proud to have brought this great corporation to the feet of the attorney general of Texas."—Bailey at Waco, August 8, 1900.

"When H. C. Pierce asked me to intercede with the attorney general in behalf of his company, and I agreed to do so, he offered to pay me for the service and I declined to receive any pay upon the ground as I have stated above, that the only service which I intended to render was a friendly and not a legal one, and was not, therefore, such a service as a lawyer, with my views of his profession, would accept compensation for performing. He asked if I was not a lawyer and I told him that I was, but that I was one of the kind who practiced law and not influence. I told him, however, that I was then on my way to Kentucky for the purpose of selling some horses to raise a sum of money that I needed, but that, in view of a political situation which would bring me back to Texas and which I had already explained to him when I told him that I would speak to the attorney general while here, I might not have time to dispose of the horses while in Kentucky, and I told him * * * that if he would be willing to take my obligation and allow me to pay it with interest I would consider the loan of \$3,300 a favor."—Bailey in reply to Davidson, December 6, 1906.

(But surely Senator Bailey himself is not the "Liar" of this campaign.) Follow his words:

The Witness Bailey:

Question: On yesterday you testified that the Standard Oil people sought your opinion touching the right of that concern to do business in Texas?

Answer: (By Bailey) Yes, sir.

Question: About what time was that?

Answer: (By Bailey) That was in 1901.

Question: Do you know where you were when you wrote that opinion?

(Continued from 1st column)

trust."—J. W. Bailey in Fort Worth Record, October 11, 1906.

Then did Bailey represent the Standard Oil Company or not?

Mr. Bailey is also authority for the proposition that "a man who will tell a lie, will swear to it." (Is it possible that he speaks from experience?)

(Continued from 2d column)

Answer: (By Bailey) Yes sir; I was in Washington.

Question: Did you charge them anything for that opinion?

Answer: (By Bailey) Twenty-five hundred dollars.—Investigation Committee Report pp. 943-44, Feb. 22, 1907.

He said he didn't and he said he did. Take your choice.

"If the people of Texas think I am a liar, they ought not to have me in the Senate."—J. W. Bailey at Proctor, Texas; S. A. Express, December 23, 1906.

At Cumby, Texas, July 12th, 1907 (Dallas News, July 13th), in a public address Bailey used these words: "I never did anything in my life that both my conscience and my judgment did not justify."

To this let the Scriptures reply: "He that sayeth he sinneth not is a liar and the truth is not in him." "If we confess our sins, He [Christ] is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. *If we say that we have not sinned, we make Him a liar, and His word is not in us.*"

Lufkin, Texas, April 4, 1908 (Houston Chronicle, April 5th.): "I never in all my life saw a bill defeated by a speech but once, and I made the speech that defeated that bill. * * * It was a law * * * that practically restored the hateful doctrine of the middle ages that permitted a man to be imprisoned for debt. [It should not have required much of a speech to kill that sort of a bill.]

"You could send any one of my enemies down to the Senate and not in a thousand years would such a man make a speech that would kill a bill. He would rattle around in my place like a mustard seed in a half bushel measure.

"You want men of ability in the Senate. You don't want rascals, and you don't want fools, but as between the two I would prefer a rascal, because you can reform a rascal, but only a miracle from heaven can cure the folly of a fool. I believe that Culberson was honest, but I am sure that he was mistaken."

The Senator declared that no man was his master; that not even the sovereign people of Texas are his masters; that he has but one master, and from that source on high he "receives commands written in mysterious characters."

Summed up the Senator's great campaign speech was one-fourth confession, one-fourth evasion of the issue, one-fourth abuse of his enemies, and one-fourth braggadocio.

Greenville, Texas, April 22nd. (Staff Special to The News): "Now they are being asked to vote against the tallest and cleanest Democrat in the party.

"If the Savior of the world were to come down here and testify for me they would cry out crucify him.

"May God have mercy on the souls of liars.

"In the years to come the men who slander me today will be forgotten or if they are remembered only to be despised. But the services which I have rendered to this State and people will be cherished through all the years to come, and your children shall be taught to point to my life as an example of fidelity to every trust committed to me."

Greenville, Texas, April 21, 1908 (Dallas News, April 22nd.) :
"We will bury our enemies in camphored ice with their faces upward to preserve them for future punishment."

ANTIDOTES FOR BAILEYISM.

Silence, when nothing need be said, is the eloquence of discretion.—*Bovee*.

Sincerity is the face of the soul, as dissimulation is the mask.—*S. Dubay*.

Sincerity, a deep, genuine, heart-felt sincerity is a trait of true and noble manhood.

Inward sincerity will of course influence the outward deportment; where the one is wanting, there is great reason to suspect the absence of the other.—*Sterne*.

If evil be said of thee, and it is true, correct it; if it be a lie, laugh at it.—*Anon*.

Sophistry is like a window curtain—it pleases as an ornament, but its true use is to keep out the light.—*Anon*.

Some men weave their sophistry till their own reason is entangled.—*Johnson*.

A superior man is modest in his speech, but excels in his actions.—*Confucius*.

The really brave man says nothing about it.—*The Author*.

True statesmanship is the art of changing a nation from what it is into what it ought to be.—*W. R. Alger*.

The worth of a state, in the long run, is the worth of the individuals composing it.—*J. Stuart Mill*.

Statesman, yet friend to truth! of soul sincere in action faithful, and in honor clear, who broke no promise, served no private end, who gain'd no title, and who lost no friend; ennobled by himself, by all approved, praised, wept, and honored.—*Pope*.

It is a dark sign when the owner is seen to be growing poor, and his steward is found to be growing rich.—*Spencer*.

From the sublime to the ridiculous there is but one step.—*Napoleon*.

Speaking much is a sign of vanity; for he that is lavish in words, is a niggard in deed.—*Sir W. Raleigh*.

Men who have had a great deal of experience learn not to lose their tempers.—*V. Cherbuliez*.

A noble heart, like the sun, showeth its greatest countenance in its lowest estate.—*Sir P. Sidney*.

Of all bad things by which mankind are curst, their own bad tempers surely are the worst.—*Cumberland*.

The man who threatens the world is always ridiculous; for the world can easily go on without him, and, in a short time, will cease to miss him.—*Johnson*.

Those that are the loudest in their threats are the weakest in the execution of them.—*Colton*.

Time will bring to light whatever is hidden.—*Horace*.

The man was noble; but with his last attempt he wiped it out; betrayed his country; and his name remains to the ensuing age abhorred.—*Shakespeare*.

Treason and murder are ever kept together, as two yoke-devils, sworn to either's purpose.—*Shakespeare*.

The withholding of truth is sometimes a worse deception than a direct misstatement.—*The Author*.

Truth is always consistent with itself, and needs nothing to help it out; it is always near at hand and sits upon our lips, and is ready to drop out before we are aware; whereas a lie is troublesome, and sets a man's invention on the rack, and one trick needs a great many more of the same kind to make it good.—*Tillotson*.

The coward is the loudest crower.—*The Author*.

"There is nothing," says Plato, "so delightful as the hearing or the speaking of truth"—for this reason there is no conversation so agreeable as that of the man of integrity, who hears without any intention to betray, and speaks without any intention to deceive.—*Sherlock*.

He that finds truth, without loving her, is like a bat; which, though it have eyes to discern that there is a sun, yet hath so evil eyes, that it cannot delight in the sun.—*Sir P. Sidney*.

He that would make a real progress in knowledge, must dedicate his age as well as youth, the later growth as well as the first fruits, on the altar of truth.—*Berkeley*.

To thine own self be true, and it must follow, as the night the day, thou canst not then be false to any man.—*Shakespeare*.

Truth is the handmaid of justice; freedom is its child; peace its companion; safety walks in its steps; victory follows in its train.—It is the brightest emanation from the gospel—it is the attribute of God.—*Sydney Smith*.

The first and last thing which is required of genius is the love of truth.—*Goethe*.

There is small chance of truth at the goal, where there is not a childlike humility at the starting post.—*Coleridge*.

Truth provokes those it does not convert.—*Bp. Wilson*.

The greatest friend of truth is time; her greatest enemy is prejudice; and her constant companion is humility.—*Colton*.

Truth is established by investigation and delay; falsehood prospers by precipitancy.—*Tacitus*.

He that opposes his own judgment against the consent of the times ought to be backed with unanswerable truths; and he that has truth on his side is a fool, as well as a coward, if he is afraid to own it because of other men's opinions.—*De Foe*.

Error always addresses the passions and prejudices; truth scorns such mean intrigue, and only addresses the understanding and conscience.—*Azel Backus*.

While you live, tell the truth and shame the devil.—*Shakespeare*.

Search for the truth is the noblest occupation of man; its publication is a duty.—*Mad. de Stael*.

Truth crushed to earth will rise again; the eternal years of God are hers; but error wounded writhes in pain, and dies amid her worshippers.—*Bryant*.

Seize upon truth, wherever it is found, amongst your friends, amongst your foes, on Christian or on heathen ground; the flower's divine where'er it grows.—*Watts*.

Tyrants and oppressors, when living, are the terror of mankind; but when dead, they are the objects of general contempt and scorn. The death of Nero was celebrated by the Romans with bonfires and plays; birds ate the naked flesh of Pompey; Alexander lay unburied thirty days; but a useful and holy life is generally closed by an honorable and lamented death.—*Anon*.

A tyrant never tasteth of truth, friendship, nor of perfect liberty.—*Diogenes*.

Tyrants forego all respect for humanity in proportion as they are sunk beneath it. Taught to believe themselves of a different species, they really become so, lose their participation with their kind, and in mimicking the god dwindle into the brute.—*Hazlitt*.

Of all the evils that infest a state, a tyrant is the greatest; his sole will commands the laws, and lords it over them.—*Euripides*.

There is but one virtue—the eternal sacrifice of self.—*George Sand.*

Brilliancy when coupled with baseness is the strongest combination for evil.—*The Author.*

A money-lender. He serves you in the present tense; he lends you in the conditional mood; keeps you in the subjunctive; and ruins you in the future!—*Addison.*

Every man has just as much vanity as he wants understanding.—*Pope.*

Vanity keeps persons in favor with themselves, who are out of favor with all others.—*Shakespeare.*

Nothing is so credulous as vanity, or so ignorant of what becomes itself.—*Shakespeare.*

Vanity makes men ridiculous, pride odious, and ambition terrible.—*Steele.*

When a man has no longer any conception of excellence above his own, his voyage is done; he is dead; dead in the trespasses and sins of blear-eyed vanity.—*H. W. Beecher.*

CHAPTER XXXI.

AN ADDRESS TO THE PEOPLE OF TEXAS.

(The following Address to the People of Texas was prepared by a Committee appointed for that purpose by the Anti-Bailey element of the 30th Legislature towards the close of the Session. The Committee consisted of Col. C. H. Jenkins, Judge John M. Duncan and Wm. A. Cocke. The Address is self-explanatory and is as follows):

We have not sooner replied to Senator Bailey's abuse because to have done so, while the Legislature was in session, might have created such friction as to have seriously impaired the usefulness of that body but now that our labors are ended, due respect for the opinion of those we represent, impels us to issue this address.

Our vote to defer his re-election involved the question of our political duty and has no connection with our vote against the majority report of the Investigating Committee; those who voted for his re-election might have consistently voted against said report, and those who voted to defer his re-election might with equal consistency have voted for said report; the vote on the report was simply a matter of individual judgment of the facts after the evidence was heard.

We never doubted but that it was our duty to vote for Senator Bailey, if nothing had occurred after the primary endorsement, which if known before, would have caused the people to repudiate such endorsement. We did know when the vote was taken that since the primary, charges had been made against Senator Bailey in the press and on the stump of such a character that, if true, no honest constituency would want him to represent them. We did not know whether these charges were true or false. Under a similar state of affairs Senator Bailey himself had said in the United States Senate referring to Senator Burton, speaking of the rule in the Senate and comparing it with the rule in a court of justice:

"The rule is different here from that which prevails in the courts. There, as a safe-guard to the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from appearance of wrong doing beyond a reasonable doubt.

"Mr. President, we cannot afford to be too tender with these questions. I would be the last man here or elsewhere, to stain an honorable man by even proposing an unjust inquiry; but Senators who do behave themselves ought not to rest under shadow of a suspicion cast upon the Senate by those who do not behave themselves." (Congressional Record, 1905, pp. 497-501.)

We endorse Senator Bailey's views as thus expressed. His friends had been forced to pass a resolution favoring a full and fair

investigation. Charges of the gravest character had been legally filed, and a committee appointed to sit as a "high court of inquiry" to hear the evidence for the express purpose of determining whether or not Mr. Bailey was a proper person to be elected to the United States Senate. No evidence had been heard when the vote was taken. Ought we under these circumstances to have voted for his election and then heard the evidence to determine whether or not we had voted right?

This is the issue, and the only one involved in our vote on the election of a United States Senator. We submit to the intelligence and the candor of the people of Texas as to whether or not we ought to have rendered our verdict in a case that we were solemnly pledged to try upon the evidence, before any evidence had been heard. Such course would justly have been regarded as a farce in any court in the land.

Had Senator Bailey's friends, instead of resorting to dilatory tactics, promptly passed the resolution for an investigation, which they finally passed, and had Senator Bailey taken the stand as the first witness, as the complainant asked him to do, and had he frankly told all that he was forced to admit in the end, the investigation could easily have been completed before the time arrived for the election of a United States Senator. In that event no witnesses would have been needed except the books of the Waters-Pierce Oil Company, about which he claimed to be ignorant, and Findlay, Naudain and Hutchison to prove up the books and the vouchers. When you read the evidence, which is to be printed, you will see that Mr. Bailey admitted the correctness of all of the material evidence, and that he did not finally dispute the genuineness of the vouchers, although he had previously denounced them as forgeries all.

Senator Bailey, however, did not see proper to pursue this course. The day arrived to begin voting for United States Senator; we were compelled by law to begin voting, but were not compelled to elect on that day. Had a majority of the Legislature scattered their votes, the election could have been legally postponed until the testimony was taken. This is what we sought to do. We distinctly announced that we were not voting against Mr. Bailey but were voting to postpone the election; we thought we were doing right. We do not impugn the motives of members who took a different course, but now that there has been time for calm reflection, we submit our action in this matter to the candor and intelligence of an honest constituency with confidence that it will be approved by you, without regard to what you may think the evidence afterwards taken did or did not establish. Once having elected Mr. Bailey we had no power to recall his election. Not even the United States Senate possibly has any power to impeach him for anything done by him before his election. His election by us meant a complete immunity bath for all past offenses. A judgment from which the people had no appeal.

THE MAJORITY REPORT.

Senator Bailey asserted that there was not only nothing wrong in anything that he had done, but that there was no impropriety in it. He asserted that he expected to continue to do in the future as he had in the past, and said if the people did not like it they would have to get another Senator. The majority report fully endorsed his position; we could not conscientiously endorse this report.

HIS ADMISSIONS.

He admitted that he had rendered official services to all the parties mentioned in the charges, of pecuniary value to them, for which the law did not allow him to charge, and that he had either borrowed money from every one of them or they had endorsed his note or otherwise assisted him financially. Evidence of these transactions appeared in the books of various banks. The opponents of any public man, under such circumstances might charge that these transactions while in the form of loans were in fact fees. A man under such circumstances will naturally rely upon his own statement and the statement of any other party to the transaction to prove his innocence. Of course both parties to a criminal transaction will naturally deny criminal intention.

Was there no wrong in Senator Bailey, as the representative of the people, putting himself in this position? He admitted, for example, that he executed his note to John W. Gates for \$28,100 and that Gates had sought and obtained with his assistance Congressional aid for Port Arthur in which Gates was largely interested. Mr. Bailey said this note was given in part for horses. Was there no wrong in a United States Senator buying \$28,100.00 worth of horses on a credit from such a man as Gates, under such circumstances? Are you willing to say to your Board of Pardons "borrow money from those who are seeking pardons for their friends;" or to your Railroad Commissioner, "borrow money from the Railroad Companies and if anybody finds it out, tell us that you paid it back and we will endorse your action?" If not, you surely would not have your representatives to say by their vote that there was no wrong in such acts by Senator Bailey. Remember that the Scriptures saith: "The rich ruleth over the poor and the borrower is servant to the lender."

He admitted borrowing \$3,300.00 from H. C. Pierce the first day they met by telegraphic appointment after having tendered his friendly services to get his outlawed company back into Texas; that he knew that this Company had been ousted from Texas for violating the anti-trust laws of Texas, and that Pierce himself was under indictment at Waco for this offense. He says that he took the word of this stranger and out-law, that his company was not a trust, and that after learning from the Attorney General that the judgment could not be avoided he advised Pierce to dissolve his corporation and organize a new one and continue the same business without even changing the name on his wagons. This was nothing but legal legerdemain to circumvent the judgment of our court, and the Travis

County jury so said in its verdict of \$1,623,900 against the Company, covering every day since Bailey interceded for it.

He admits that subsequently he borrowed from Pierce at one time \$1,500.00, at another time, \$8,000.00 and that this last loan was increased to \$24,000.00. He was uncertain as to how this money was re-paid—partly in legal (?) services. He admitted that he borrowed \$156,000 in New York on Pierce's endorsement. It was shown that \$1,650,000.00 of the stock of the Kirby Lumber Company was disposed of by Mr. Bailey to Yoakum, Pierce, and Campbell, representing certain railway interests at \$75.00 per share when said stock had no market value and could not have been worth at most, in the hands of any one other than a United States Senator, more than Thirty to Forty Dollars per share. *This suggests the use of official influence rather than legal talent.*

Mr. Bailey admitted that he had been paid about \$150,000 by the Kirby Lumber Company. He refused to disclose his fee in the Tennessee Railroad matter, but claimed that there was only \$7,000,000 of these securities and that he voluntarily remitted one-half of the fee, which was shown otherwise to be $3\frac{1}{2}$ per cent. This would make his fee in that transaction \$122,000.00. The full $3\frac{1}{2}$ per cent on the amount which Pierce, in the Missouri case, said was turned over to him (\$13,000.00) would be \$455,000.00, but we are discussing the case upon Senator Bailey's testimony alone. He said that Pierce had paid him, at other times, as much as \$30,000.00 to \$40,000.00. *He admitted finally, after frequently denying any employment, that he received \$2,500 from the Standard Oil Company for a legal opinion, and \$5,000 from the Security Oil Company for writing a charter and a mortgage and assisting in its organization.*

Mr. Bailey also admits having borrowed \$153,000.00 from H. C. Pierce on another occasion with which to purchase the Southwestern Oil Company, and we think the record conclusively shows that the object of this purchase *was to make money for Mr. Bailey and also to eliminate another competitor of the Waters-Pierce Oil Company in Texas.* Is there no wrong in a man who is engaged in the service of the people at \$5,000 annually engaging in the service of trust magnates and borrowing money and receiving pay from them for such services as these? Senator Bailey admitted these facts only after they were conclusively proven.

THE BOOKS AND VOUCHERS.

Senator Bailey finally *had to admit* that all of the vouchers were genuine, but claimed that some of the notations had been improperly made; the books, as well as the vouchers, were conclusively proven up by Johnson, Findlay, Naudain and Hutchison, officers and bookkeepers of the Waters-Pierce Oil Company. These showed that the \$3,300, the \$1,500, the \$200, the \$1,750, and the \$8,000 advanced by Pierce to Senator Bailey, had been repaid to Pierce by the Waters-Pierce Oil Company, charged to Bills Receivable or credited to legal

expenses, then charged off to profit and loss, as was their custom to charge all such items and expenses, and that not a dollar of this money had ever been repaid to the Company. These vouchers were all audited, not only by the auditors of the Waters-Pierce Oil Company, *but also by the auditors of the Standard Oil Company.* The books and vouchers, in addition to the amounts above named, show \$200 on account of legal expenses and \$1,750 on account of Texas Legislation. Senator Bailey admits getting these amounts but claims that the \$1,750 was a part of the \$8,000 loan, and that the \$200 was for his expenses on trip to New York *to see Pierce.*

Mr. Bailey admitted his activity in assisting in the defeat of certain legislation in 1901, inimical to the interests of the Waters-Pierce Oil Company. This was simultaneous with the \$8,000 loan or fee, as the case may have been, and out of which grew the \$24,000 loan or fee? The letters, vouchers and notations bearing on this item indicate that this amount was paid directly to Mr. Bailey by the Waters-Pierce Oil Company by exchange purchased from the Fourth National Bank of St. Louis. Mr. Bailey denied that he returned this money, as stated in Pierce's letter, or that he ever received this or any other amount directly from the Waters-Pierce Oil Company. Had the majority of the Committee permitted the sub-committee to visit St. Louis and examine the Bank books and the letter files of the Company, this point could have been settled.

THE \$1,500 DRAFT.

The statement that Senator Bailey, in his speeches, denied ever having drawn any draft for \$1,500 on the Waters-Pierce Oil Company or H. C. Pierce or any one else in favor of Henry & Stribling, or Stribling or any one else may be technically correct, but it is certainly true, and he must have known, that people believed, from the language that he used, that he intended to make such denial. The legal notice served by the Attorney General on the Attorneys of the Waters-Pierce Oil Company, showed that he did not have this draft in his possession.

When the vouchers were brought into the House of Representatives before the investigation began, Senator Bailey, in a speech picking up this voucher said, "This voucher says draft attached; where is the draft? If there had been any draft they would have stolen that when they were stealing those other papers." This language could convey no other meaning than that Mr. Bailey pretended no draft had ever been attached to this voucher, and that, if any draft signed by him had ever been attached, it was a forgery.

The undisputed evidence as to this voucher was as follows: In a conference between Stribling and Pierce at Waco about the first of May, 1900, at which Mr. Bailey was present, Stribling wanted Pierce to pay a fee of \$3,000. This Cullen Thomas spurned with patriotic contempt. On June fifth, Judge Clark wrote to J. D. Johnson, General Attorney for the Waters-Pierce Oil Company, that

Stribling was threatening to ask for a receiver. On June 12th, Pierce wired to Findlay from his summer resort in Michigan, "*If Johnson approves, authorize Bailey to loan Stribling \$1,500 on his note; Bailey should quiet all Texas parties. Tell him I will see him soon.*" Findlay wrote on this telegram: "*S D drawn by Bailey for \$1,500.*"

On June 13th Mr. Bailey drew from Gainesville a draft on Pierce for \$1,500; on June 15th the voucher was made out in favor of Henry & Stribling for \$1,500 with draft attached. On November 17th, about which time Mr. Bailey admits he was in St. Louis, Naudain made the following notation on this voucher: "Draft delivered to Mr. Pierce by Mr. Gruet," and had Gruet attest the same. Pierce's receipt for \$1,500 was substituted for the draft. On November 22nd this draft was delivered by Pierce to Governor Francis, and on the same day, as per Francis' letter book, *was sent to Mr. Bailey at Washington.* The draft itself *not being produced by Mr. Bailey*, it is impossible to tell for what account it was drawn. On June 16th Johnson wrote Clark that he had quieted Stribling for the present. The Cashier of the Red River National Bank produced two leaves *cut from a ledger* showing that said Bank cashed this draft, and that about \$520 was applied to an overdue indebtedness of Mr. Bailey to the Bank, and that the remainder was drawn out at several different times by Mr. Bailey. Mr. Bailey met both Henry & Stribling at Austin June 21st after drawing on Pierce June 13th. *Perhaps he "quieted" them some other way?*

PRACTICING LAW.

Mr. Bailey says that his enemies condemn him for practicing law. The evidence shows that in all of the transactions for which he received such large sums, the only pretense at practicing law was that John H. Kirby employed him to get a settlement with Pat Calhoun *without a suit*, Kirby claiming that Calhoun had a large amount of the stock of the Kirby Lumber Company, and that he refused to surrender the same. Also that Bailey advised the Kirby Lumber Company to refuse to pay on a stumpage contract, and that, acting upon said advice, the Company was thrown into the hands of a receiver, and that his name had been signed to some pleadings in Houston in what were apparently *friendly suits between Kirby's various corporations.*

He secured the settlement with Calhoun by paying him \$156,000 which the Kirby Lumber Company owed him. He borrowed the money in New York *upon Pierce's endorsement* and sold the stock to Pierce, Yoakum and Campbell of St. Louis, *the owners of the 'Frisco Railroad.* Kirby claims that he negotiated these sales; *Yoakum testified that they were made by Bailey alone;* Kirby's books show that Bailey got the commission. Is there no wrong in a United States Senator acting as a broker for the sale of stock in a trust corporation to railroad magnates *at more than double their admitted value?*

THE TENNESSEE RAILROAD MATTER.

Senator Bailey testified that he was first *employed to inspect the ties, rails, bridges and other physical properties of the road*, and report on the same, and that he was afterwards employed to sell the road. That he had sold an option on the road, a part of it to the Southern Ry. Co., and a part of it to the Illinois Central. Is there no wrong in such employment by a United States Senator?

Between the trusts and the people there is a gulf as broad as that which separated Dives from Lazarus. We do not believe that a man can serve the one and sympathize with the other. "The ox knoweth his owner's stall and the ass his master's crib," was not written primarily in reference to dumb beasts, but to illustrate a phase of human nature. It was announced by the Son of God when He said, "Where a man's treasure is, there will his heart be also." We could not vote for a report which, in effect, endorsed the conduct of the people's servants entering the service of trust magnates, the enemies of the people, and receiving from them hundreds of thousands of dollars. *For our failure to do so, we have been threatened by a bully and denounced by a boaster and the people have been called upon to take his part against their representatives who tried, as they saw it, to purify the public service and to protect the fair name of Texas from further reproach brought upon it by the conduct of Mr. Bailey.*

HIS CONGRESSIONAL RECORD.

But, say the partisans of Senator Bailey, however improper such conduct may have been in others, his record in Congress shows that he is the champion of the people, and the foe of the trusts. With such bravado has this assertion been made by Senator Bailey and too often has it been repeated by his partisans, that many uninformed people believe it to be true. On this subject they deal in generalities; ask them for particulars and they are painfully silent. Senator Bailey was given an opportunity while he was on the witness stand to furnish a bill of particulars. He was asked to state what he had done in Congress since he met Mr. Pierce in April, 1900, which, from his standpoint, was against the interest of Standard Oil, and its "system." He named his vote for denatured alcohol and his transportation amendment to the rate bill. Upon further examination he admitted that it was not probable anybody in Texas would be able to manufacture denatured alcohol under the bill as it passed, and that for ought he knew to the contrary, Standard Oil might make more money out of selling wood alcohol and benzoine for denaturing purposes, than it could have made had the bill not been passed.

It was found necessary, in the interest of independent manufacturers, for the last Congress to amend Mr. Bailey's denatured alcohol bill *to take the industry out from under Standard Oil monopoly*

and we find the Standard Oil Senators fighting to keep the bill as Bailey had written it.

On the rate bill he admitted that though it was generally conceded *that Standard Oil had friends in the Senate, the amendments making the pipe lines common carriers, passed unanimously.* He then admitted that Standard Oil had crushed opposition, and built up a monopoly by means of railroad rebates; that, under the rate bill, two or more common carriers transporting the same product, could agree between themselves as to a division of freight; that, under this law, if the freight rate for oil between given points was 25c, thus making the rate on both pipe line and railroad 50c; but the pipe line, being a common carrier, could agree with the railroad to divide the whole rate so that the pipe line would take 40c and the railroad 10c. In other words, by virtue of this bill, the Standard Oil could get its oil hauled for 10c over the railroad when it would cost its competitor 25c for the same haul. That is *to say, this bill, for which Bailey claims great credit, legalizes rebates to the Standard Oil and allows them to do now by law what formerly it did in violation of law.*

At this point in the examination, Senator Bailey said that his freight rate amendment was the remedy for evils of this kind. He explained that this amendment would not allow any common carrier corporation to transport the products of any producing corporation in which it owned stock. He said it forced an absolute divorce-ment of transportation and production companies, and crushed Standard Oil monopoly; that it would force the Tennessee road, on which he had sold an option, to give up its coal mines, and the 'Frisco for whom Pierce and his associates had bought the Kirby Lumber Stock, to surrender same. He was asked if Senator Elkins, whose railroad owns coal mines, was not the first to introduce an amendment of this kind, and he admitted that it was true. He was asked if there was anything to prevent Senator Elkins from organizing a coal company, owning practically all of its stock, and have his coal company sell coal to his railroad company? And if the Rockefeller's pipe line corporation could not legally carry the oil of Rockefeller's Oil Corporation? He said yes but that a law to the contrary would be unconstitutional.

Thus we see that the only two things that this self-styled foe of Standard Oil claims he had done, since he began borrowing money from the president of one of its companies, are the very things that Standard Oil probably wanted done.

The purpose of this address is simply to state some of the facts which influenced us in our votes, and we want our constituents to know that *we knew from Senator Bailey's own testimony that his boasted record in Congress, as the champion of the people, was without foundation.* We have stated only some of the more important facts involved. There are many other facts and arguments that might be offered.



HON. JEFF. D. COX,
OF ROCKWALL.

One of the many members of the 30th Legislature of Texas into whose district Boss Bailey said he would go and defeat their return, or their aspirations ever again "to hold an office in Texas."



BAILEYISM.

We have no fight to make at the present time on Mr. Bailey personally, *but we do propose to fight Baileyism, which means "Bossism."* He announced in his speech in the House of Representatives immediately after his election, that henceforth no man who was opposed to him should be elected to office in Texas, not even as a delegate to a precinct convention. *No such arrogant boss has ever appeared in American politics.* Platt, Quay and Hanna, and other bosses, have been content to stand behind the curtains and pull the strings, but this man, with the arrogance of a bar-room bully, claims that he will now mount the box, seize the lines, crack the whip, and drive the coach of state to suit himself. We do not think the Democrats of Texas are ready for a boss; we do not believe that they will submit to one. On this issue we accept the Senator's gage of battle and now and here proclaim war on every man who attempts to thrust Bailey's personality and Baileyism into the politics of Texas. *We ask every man who is in favor of the people as against the machine, who puts loyalty to principle above loyalty to a man, who places liberty of patriotic action above the dictation of a self-constituted political charlatan to join us in this righteous contest.*

A FINAL HATE SPEECH.

WHAT SENATOR BAILEY SAID IN HIS HOME TOWN.

Special to the Chronicle:

GAINESVILLE, Texas, March 30, 1908. Here are some of the choice morsels from his impromptu address at this place:

"I appeal to my friends to register in their memory every man who has not supported me in this contest. If any of them ever bob their heads up for office, I appeal to my friends to defeat them.

"I appeal to my friends *to make it impossible for my enemies to exist in this town or country. I appeal to my friends to hate, and to continue to hate,* every man who has opposed me.

"I stated in that skating rink (pointing to where the rink stood until destroyed by fire last Sunday) that I would drive my enemies into the gulf. *I propose to subject them to a fire three times as hot as the fire that destroyed the skating rink."*

DEMOCRACY VERSUS BAILEYISM.

EXCERPT FROM ADDRESS BY WM. A. COCKE TO ANTI-BAILEY WACO CONVENTION, MARCH 7TH, 1908, CALLED IN OPPOSITION TO BAILEY'S CANDIDACY FOR DELEGATE AT LARGE TO NATIONAL DEMOCRATIC CONVENTION.

Mr. Chairman and Fellow Democrats:

Texas politics now furnish a restatement of an ancient Democratic maxim, the revised version of which is as follows: "Gov-

ernment by the machine, government of the machine, government for — JOE BAILEY."

If one should compare Democracy to Baileyism, indicting the latter system of political ethics, such comparison and such indictment might be briefly as follows:

Democracy stands for unselfish patriotism; Baileyism stands for self-serving partisanship.

Democracy stands for pure government; Baileyism stands for all that is impure in government.

Democracy stands for truthfulness; Baileyism stands for deceitfulness.

Democracy stands for sincerity; Baileyism stands for hypocrisy.

Democracy stands for the enforcement of the law; Baileyism stands for a violation of all law.

Democracy stands for equal opportunities; Baileyism fattens on the vitals of the people, while its lord and master officiates as the high-priest of greed at the feast of the grab-fest.

Democracy stands, as it has ever stood for the rule of the masses; Baileyism boosts the reign of the bosses.

Democracy stands for government by qualified majorities; Baileyism is mis-government by self-seeking, self-serving political ringmasters.

Democracy stands for equal rights to all; Baileyism guarantees special privileges to the criminal rich in return for "*personal loans*."

TEACHINGS OF DEMOCRACY.

Democracy teaches loyalty to public and to private trusts; Baileyism practices disloyalty to every trust.

Democracy teaches political equality and commercial freedom; Baileyism freely practices political favoritism, *under a special system of "private loans to public men."*

Democracy teaches that public office is a public trust; Baileyism prostitutes the public confidence to monopolistic brigandage for private gain.

Democracy has long taught that the office should seek the man; Baileyism now teaches that the man should stealthily steal the people's office.

Democracy teaches that a man should vacate an office to which he holds no equitable title; Baileyism teaches that he should, *through fraud and intimidation, if need be*, retain the people's office in defiance of the people.

Genuine Democracy from Thomas Jefferson to Wm. J. Bryan teaches that a patriot's duty to his party is best subserved by discharging his higher duty to his whole country; Baileyism teaches that the subject's duty to Bailey is more binding than his oath of office, or his duty to his party or his country.

Indeed, Democracy, in its broadest and most fundamental conceptions, teaches that there is and can be no real conflict between a citi-

zen's duty to his party and to his country; Baileyism, on the contrary, teaches that a Democrat, has no right to expose graft, corruption and traitorism *which sometimes creep into any party*, and then seek to hide their hideous forms and festering fingers under party robes.

THE PRACTICES OF DEMOCRACY.

Democracy practices that which it preaches, or should do to; Baileyism makes a specialty of practicing that which it does not preach—*until after its practices are exposed*. Then black turns white, just as the sow returns to her mire.

Democracy denounces commercial trusts as commercial piracies; *Baileyism, under guise and in the name of Democracy, divides the spoils*.

Democracy seeks the largest good to the greatest number; Baileyism in Texas has been robbing the many to enrich the trust masters in general and Bailey in particular.

Democracy confidingly details its leaders to guard the sheepfold; Baileyism enters not by the straight gate, but, creeping up some other way, robes its political wolves in the cloaks of democracy while they devour the sheep.

Democracy is a system of constructive and beneficent ideals; Baileyism is a net-work of destructive and corrupting influences.

Democracy looks to the uplift of the whole people; Baileyism greedily preys upon the masses, while it debauches its own votaries.

Democracy subscribes to that ancient though salutary truism that a good name, both in public and in private life, is rather to be chosen than great riches; *Baileyism whispers in accents low and persuasively seductive to our young men and old: "Put money in thy purse."*

Democracy means government by the people; Baileyism means political degradation and commercial robbery of the people.

Democracy has long meant government of the people; Baileyocracy now means bossism by Bailey and his boodlers.

Democracy means government for the people; Bailey, in effusive eruption, cries out to the lowest regions of political hell: "The people be damned."

Up with Democracy; down with Baileyism.

Long live genuine Democracy; an early death to corrupting Baileyism.

ANTIDOTES FOR BAILEYISM.

The age of Reason in Texas politics has gone; that of idolatry has ensued.—*The Author.*

None is a greater self-tormentor than a malicious and revengeful man, who turns the poison of his own temper in upon himself.—*J. M. Mason.*

He that studieth revenge keepeth his own wounds green, which otherwise would heal and do well.—*Bacon.*

Revenge, at first, though sweet, bitter, ere long, back on itself recoils.—*Milton.*

Let them call it mischief; when it's past and prospered, it will be virtue.—*Ben Johnson.*

Your sayer of smart things has a bad heart.—*Pascal.*

Treason to a civil trust is no less a crime against society than is the breach of a military trust.—*The Author.*

I would rather be right than be president.—*Henry Clay.*

Let us have faith that right makes might, and in that faith, let us to the end, dare to do our duty, as we understand it.—*Lincoln.*

There is no right without a parallel duty, no liberty without the supremacy of the law, no high destiny without earnest perseverance, no greatness without self-denial.—*Lieber.*

Rogues are always found out in some way.—Whoever is a wolf will act as a wolf; that is the most certain of all things.—*Fontaine.*

A needy man may steal a cow and must go to jail; an avaricious politician grafts hundreds of thousands and escapes because he is "a party nominee."—*The Author.*

Where secrecy or mystery begins, vice or roguery is not far off.—*Johnson.*

Fire that is closest kept burns most of all.—*Shakespeare.*

There are few people who are more often in the wrong than those who cannot endure to be thought so.—*Rochefoucauld.*

Self-conceit is a weighty quality, and will sometimes bring down the scale when there is nothing else in it.—*Jeremy Collier.*

Conquer thyself. Till thou hast done this, thou art but a slave.—*Burton.*

The man whom Heaven appoints to govern others, should himself first learn to bend his passion to the sway of reason.—*Thomson*.

Political boosters, being without prestige themselves, bask in the smiles of bigger boodlers.—*The Author*.

He that lays down precepts for governing our lives and moderating our passions, obliges humanity not only in the present, but for all future generations.—*Seneca*.

Self-control is promoted by humility. Pride is a fruitful source of uneasiness. It keeps the mind in disquiet. Humility is the antidote to this evil.—*Mrs. Sigourney*.

He who would govern others should first be master of himself.—*Massinger*.

He is a fool who cannot be angry; but he is a wise man who will not.—*Old Proverb*.

No man was ever so much deceived by another, as by himself.—*Greville*.

Nothing is so easy as to deceive one's self, for what we wish we readily believe; but such expectations are often inconsistent with the reality of things.—*Demosthenes*.

One cannot serve the people and at the same time enrich his purse from the monopolies which rob the people.—*The Author*.

No man can serve two masters; for either he will hate the one, and love the other; or else he will hold to the one and despise the other.—*The Scriptures*.

Whom the gods would destroy, they first make mad.—*Selected*.

To be deceived by our enemies or betrayed by our friends is insupportable; yet by ourselves we are often content to be so treated.—*Roche foucauld*.

One never knows himself till he has denied himself.—The altar of sacrifice is the touchstone of character.—*O. P. Gifford*.

Observe thyself as thy greatest enemy would do, so shalt thou be thy greatest friend.—*Jeremy Taylor*.

When scrupulous fidelity to the public weal ceases to be the guide of our public men, representative government is to that extent, a failure.—*The Author*.

He serves best himself, who serves others best.—*Bullock*.

Self-inspection—the best cure for self-esteem.—*Selected*.

People seldom improve, when they have no other model but themselves to copy after.—*Goldsmith*.

He who lives only to benefit himself confers on the world a benefit when he dies.—*Tertullian*.

When deceit, dishonesty, and graft enter the portals of your governmental temple, truth, honesty and justice flee from their unholy presence, and all within the tabernacle of government hastens to decay and dissolution.—*The Author*.

The essence of true nobility is neglect of self. Let the thought of self pass in, and the beauty of a great action is gone like the bloom from a soiled flower.—*J. A. Froude*.

The virtues are lost in self-interest as rivers are in the sea.—*Roche-foucauld*.

He who makes an idol of his self-interest, will often make a martyr of his integrity.—*Selected*.

The very heart and root of sin is an independent spirit.—We erect the idol self, and not only wish others to worship, but worship it ourselves.—*Cicil*.

When graft passes the portals dedicated to just government, dishonesty appears in many forms; upon the altar of equal rights is burnt a sacrifice to special interest; about the pillars of truth is wrapped the mantle of deception; while within the holy of holies, the high priest of greed robed in the garments of hypocrisy, sacrifices his confiding countrymen upon the altar of the money god.—*The Author*.

There's a knowing little proverb,
From the sunny land of Spain;
But in Northland as in Southland
Is its meaning clear and plain.
Lock it up within your heart;
Neither lose nor lend it—
Two it takes to make a quarrel,
One can always end it.

—*Selected*.

Supreme and abiding self-love is a very dwarfish affection, but a giant evil.—*Anon*.

It is a queer paradox that error usually has all the courage of its convictions, while truth steals timorously from corner to corner with muffled countenance and mute lips.—*Whitting*.

Where all are selfish, the sage is no better than the fool, and only rather more dangerous.—*Froude*.

All other love is extinguished by self-love; beneficence, humanity, justice, and philosophy sink under it.—*Epicurus*.

Self-love is a cup without any bottom; you might pour all the great lakes into it, and never fill it up.—*O. W. Holmes*.

Say nothing of yourself, either good, bad, or indifferent; nothing good, for that is vanity; nothing bad, for that is affectation; nothing indifferent, for that is silly.—*Selected*.

The man who cannot enjoy his own natural gifts in silence, and find his reward in the exercise of them, will generally find himself badly off.—*Goethe*.

You can always tell when a man is a great way from God—when he is always talking about himself, how good he is.—*D. L. Moody*.

He that lives in the kingdom of sense, shall die in the kingdom of sorrow.—*Baxter*.

I regard that man as lost, who has lost his sense of shame.—*Plautus*.

They also serve who only stand and wait.—*Milton*.

He that thinks himself the wisest is generally the greatest fool.—*Colton*.

The strongest symptom of wisdom in man is his being sensible of his own follies.—*Rochefoucauld*.

In seeking wisdom thou art wise; in imagining that thou hast attained it thou art a fool.—*Rabbi Ben-Azai*.

He who seldom speaks, and with one calm well-timed word can strike dumb the loquacious, is a genius or a hero.—*Lavater*.

Words are but pictures of our thoughts.—*Dryden*.

Immodest words admit of no defense; for want of decency is want of sense.—*Roscommon*.

Worth makes the man, and want of it the fellow.—*Pope*.

Real worth requires no interpreter; its every-day deeds form its blazonry.—*Chamfort*.

A BAILEY ADMIRATION SOCIETY.

There has existed for years in Gainesville, Texas, an association of fifteen or twenty, known as the Bailey Admiration Society. It has been the custom of this society to give banquets at the Lindsey Hotel upon Bailey's return from Washington. Each member contributes from \$1.00 to \$2.00 toward the fund, which fund is turned over to the cook at the Lindsey and a banquet is prepared. The society meets at 7 o'clock and Bailey presides.

Then the eulogies begin. One member arises and says: "My friends, we enjoy a privilege denied to our ancestors, and it will be denied to our posterity—the privilege of sitting at the same table with the greatest man the world has ever produced. The choicest material in nature was reserved from the beginning for the creation of the distinguished man who sits at the head of the table. Had he

adopted the profession of arms, the campaigns of Bonaparte, Caesar, Alexander and Hannibal would no longer be studied by the students of military science. Fortunately for the fame of Homer and Shakespeare, he did not choose the pathway of poetry, for if so, their works would lie unread upon our shelves. Had he entered the field of finances, Rockefeller's millions would look like a miserable thirty cents. He who presides at this banquet surpasses Solomon in all his glory. He is too pretty for a gentleman, too modest for a lady, and altogether charming."

After each member has delivered his eulogy, Bailey arises and says:

"My Friends: I endorse every word that has been said. I have measured myself with the so-called great men of America. Some come to my knee, some to my hips, but the tallest of them hardly come to my waist. I stand above them like a majestic oak above underbrush. Some have thought it strange that every measure which I introduced has become the law of the land. Others have wondered that I could for fifteen years speak upon public questions and not make a mistake. This banquet has struck the keynote. It is because I have more brains, more statesmanship, and can grasp the issue quicker and understand it better than any man who has gone before or who will come after me. When the Lord endowed young Solomon and gave him wisdom above all men, he referred to the men of that age, and intended no reflection upon me."

BAILEY, FAREWELL.

Bailey, the boastful borrower, bosom friend of boodlers, bartering thy brilliant brain for boodle; Bailey, the proud and patronizing bully, *previously so poor that the pawn-broker could not patronize*; Bailey, *at present, the pampered plutocrat*, peddling thy pompous powers to the pirates and vampires of the people *for pelf*; "Captain" Bailey, the brazen bulldozer, fare thee well, a long and last and sad farewell to all thy erstwhile greatness.—*The Author.*

CHAPTER XXXII.

A CONCLUSION OF THE WHOLE MATTER.

THE IMPORTANCE OF HIGH IDEALS.

Low standards in political and commercial life, no less than in social and spiritual circles, are not only hurtful to purity in present-day politics and honest commerce, *but also militate against the preservation of patriotism in the minds of each recurring generation.*

Men, and especially young men, are greatly influenced in their ideals, and, consequently, in their daily practices, *by the examples of our public men*, and more is the reason and importance of a self-governing people holding ever aloft the highest conceptions and the most exalted standards of public virtue.

As a young man, permit, if you will, thoughtful reader, *a concluding appeal to the young men of Texas*, and follow for a brief space longer a reviewing portrayal of a distinguished American character—distinguished chiefly for the warning of his unhappy and unfaithful example.

From his eventful life and from his public conduct, young men everywhere, and for all time, may well learn some useful lessons. True it is, that this estimate of his character and this summary of his career does not meet, just yet, with universal acceptance.

Certainly, however, there must be some common points of agreement in every public man's course through life from which profitable conclusions and useful lessons may be drawn, however much their contemporaries may differ as to details, or even as to important events and controlling characteristics.

A REVIEWING SUMMARY.

But to summarize and conclude The Political Life-Story of a Fallen Idol:

There was once a Representative in the Congress of the United States. His was a splendid promise; charming his personality; his intellect keen and commanding. His oratory was striking; his logic convincing. Words flowed easily; so, also his thoughts. Honors and distinction came almost unsought. He was at once the pride of his constituents; the charm and delight of his friends. Keen the saber of his debate; the people listened with enthusiasm and commendation. Power in public discourse led to leadership among his fellows, and an acknowledged mastery in the lower House.

Constructive statesmanship, however, was always a thing to him unknown. Though many years a conspicuous figure in the halls of Congress, no legislation of importance is there recorded to perpetuate

his name; no constructive or initiative measures, for the protection of the people or the perfection of human government among men, inspired his selfish heart or emanated from his cunning brain; no record is there on the legislative pages of his country's history to which posterity can point as of permanent value or enduring fame.

AMBITION'S GILDED PALACE.

The years rolled on and the prompting of ambition pointed his star of hope to America's House of Lords. The Senate of the Nation appeared only another step, of easy access to this favored son of political fortune. The "Treason of the Senate" was yet an uncoined name.

He walked, he leaped, he ran. Than his, there never were more loyal or enthusiastic friends. The "indiscretions" of an impetuous and imperious nature were forgiven and forgotten as of naught. Prodigious powers possessed this master of mental prowess.

HIS "ENEMIES."

In his opponents, personal or political, he saw no virtue. Indeed, virtue's mould appeared to have been broken in his own making; while vice and villainy characterized the lives and conduct of his fellow men who made bold to differ with this self-confessed giant intellect. His record, he said, was "as stainless as a Christian life; his conduct as spotless as a good woman's name." So matchless and immaculate, indeed, were the qualities of mind and heart of this splendid prodigy among the sons of sinful men, as to prevent him, during the course of his whole life, from doing a single act "that both his conscience and his judgment did not justify."

SOME FALSE ALARMS.

Now and then a whisper of complaint was heard throughout the land; faint whispers, however, and scarcely audible to this the greatest man, living or dead, who so far excelled his fellow men, *according to his own admissions*, as that they measured not to his knees, in body, mind, or virtues of the heart. The most illustrious of his contemporaries were, at best, compared to this august personage, only "as a mustard seed in a drinking gourd."

A nation stood entranced and flunkies bowed if not real men in "obsequious efforts to catch his eagle eye." Homage and adulation rare seemed to him as natural quite as a morning's porridge of fresh stewed oats to a common man. So matchless was the spell that o'er the nation spread, all this seemed quite the proper thing in even Democratic America. "The people gazed, and wondered much and praised."

A BUDDING PRESIDENT RUTHLESSLY ABASHED.

Despite geographical lines and sectional prejudices of standing long, this unrivaled genius seemed destined to be called to the Presidency of these United States; *a position he would, doubtless, have had to stoop to fill.*

A TURNING TIDE.

At last, however, there came a rumbling of discontent, as though some undiscovered monster lurked near this chosen son of Adam's race, and hideous noises made "of ill outlined portent." At first his friends, and their number were legion, scoffed and refused to admit the existence of aught of which there was reason to be afraid.

He himself, in imperious and implacable mood, standing at the Nation's Capital, and, though sniffing the battle from afar, made haste to tell the world *that all was well*; that only some mal-content, some disgruntled politician, seeking whom he might devour for selfish ends, was piping in the distance; and that all such presumptuous beasts should be promptly driven into the briny deep as were the swine of old.

LOOKING BACKWARD.

But to go back a step for fuller understanding of this unrivalled Exhibition, it may be said there was a time, in other days long dead, when character, if any real character there had ever been, first began to form, and habits fixed their imprint upon even this remarkable man,—if a man and not a god he may be called.

Passing by the interesting incidents of college days, rich in experiences of various sorts, in which perchance both good, if any good there was, and evil strove for mastery, *but in which it is certain that a self-earned dollar never played a part*, this precocious youth strode forth in might and main, panoplied in the superior armor of self-sufficiency, to do battle as did Goliath of old!

HIS DOCTRINE OF HATE HAD AN EARLY ORIGIN.

The sweet doctrine of hate, pure and unalloyed, was the early order of his life *and contentiousness the harmony of his very soul*.

Politics seemed to offer an inviting field in which his restless, soaring spirit, untamed and untamable, might find "repose in conflict." Strife and struggle, hate and hell, were strongly compounded in the dynamic forces of this obstreperous mental gymnast,—but physical coward.

Riot, arson, murder, and assassination (of which former he himself, in an unguarded moment, once boasted to an admiring multitude) formed an early chapter in the bulldozing career of this Trojan of the day. To his embittered soul, politics, if necessary, to carry out his "own sweet will," were converted into war, "war to the knife and knife to the hilt," and bloodshed not only committed, *but applauded*.

In later years, he himself it was who said that his moderation was most commendable in that he did not take a shotgun and murder outright all those who from him differed; that such an act would be to him a morsel sweet could the desired result be accomplished at one fell stroke. Indeed, what right had any ordinary mortal to contra-

dict or differ from this colossus, *not only of American politics, but of all history.*

He often told his admiring idolaters that he and his faithful followers only were comparable to the "lowly Nazarene;" that "the money changers of the Jewish Temple and the thieves who were crucified on either side of the Savior of men were angels of light and mercy compared with the devils that persecuted him; and that his life was purer far than any other that had theretofore essayed to leadership among the sons of Southern men!"

POOR THEN, BUT RICH (?) NOW.

Although poor in purse, he was formerly rich and royal in the love and honor of his countrymen. As the years passed on, however, be it written in sorrow, borrowing boodle from those who sought to barter in his personal and political influence became a favorite and fatal pastime with this brilliant publicist,—this Prince of Borrowers.

Base Opportunity came and sung her Siren song of opulence and independence.

The goddess of gold, "woed and embraced," soon tempted his attention from matters of State, to induce him to sell his soul for ill-gotten gain lent her charms enchanting. and this servant of the people softly introduced to the mammon masters of uncounted wealth.

Silently he took their gold, but under pretense false, for he often confessed that he gave them naught in return for their shining sheckels,—and thus was his honor triumphantly "exonerated."

THE PRESS.

The servile, subsidized portion of the public press, wrote, wrote without regard to truth, justice or the people's rights; wrote in favor of his wickedness, "and called his evil good." Hired lobbyists and grafting politicians, both great and small, high priced and low, from the four winds of the political heavens hastened, and with a few real, though misguided men, to do him obeisance took delight,—*daintily dangling to his garments of gold.*

Graft, in league with avarice, under the guise of friendship, real or pretended, personal or political, opened her portals wide and bade him welcome there! Enter, alas! he did and his long depleted cofers fill of lucre filthy.

Of course, all this was to him and his quite permissible, and the people had no just complaint. *To him they were indebted for his condescension to live from them even afar off and owed him not only their highest office, but a fortune vast and swelling.*

THE END APPROACHES.

But, alas! all things human, though good, must end. "Upon our dead selves we rise as stepping stones to higher things." His voice that late could plead so well (or so it was said) to profanity now is given. Its eloquence gone! While all within is keen remorse and

‘dread. Now the end approaches; not in haste, but hear the awful foot-tread of this world-renowned genius as he longs “for words that writhe and hiss like snakes” with which to lash his ungrateful subjects, his wicked and relentless detractors. Strange it may seem, that any should oppose his royal march through the land that was indebted to him for his condescending residence among the children of men.

Those who dared to differ with this august man (be it said to their everlasting shame and oblivion), he ne’er did deign to notice,—*save in terms of patronizing execration*. Beasts of lowest order they who made bold to disregard his bidding, worthy only to be consigned, and then chiefly that he and his might find exhilarating pastime, to the bowels of the earth, face downward, if any face they had, and, with clenched claws, make unbecoming haste in their wretched burrowings towards hell, their eternal home; whence, he said, they had come, and whither, in his tender compassion, he and his had gently sent them!

Such outlaws these, no headstone or epitaph deserved, but on a footboard frail, just one by three, he graciously caused to be written this mysterious legend: “We know not whence they came, but we do know whither we have sent them.”

AN AWAKENING AND A FORECAST.

At last, however, there came a rude awakening, as if the masses had been roused from slumber long and tense. Slow were the people to admit that their favorite idol, like Lucifer of old, could ever fall; and sorrowful, indeed, were they in being thus terribly undeceived.

Matchless almost were the opportunities for good of this helpless, hapless man, had not he to his accursed course given o’er. Now down the path of oblivion and remorse, all but alone, he treads his silent, sad, and gloomy way. Flattered and feasted had he been, but once the people’s confidence betrayed, in sorrow though in justice be it said, awful and remorseless seemed the inevitable end.

His ill-gotten gold to canker turned, and riches took their winged flight. What had been sweet as honey in brighter days, to wormwood now did turn; while bitterness and hate his cup of ebbing life o’erflowed. “Back into his sullen, unrepentant soul he retired alone;” vain and proud, though weary and disconsolate.

In concluding this character sketch, permit a few beautiful lines from the English poet, Pollock, thought appropriate to the present purpose:

BYRON OR BAILEY?

His goddess, gold, woo’d, embraced, enjoyed,
Fell from his arms abhorr’d, his passions died;
Died all, but dreary, solitary pride;
And all his sympathies in being died.
As some ill-guided bark, well built and tall,
Which angry tides cast out on desert shore,

And then retiring, left it there to rot
 And moulder in the winds and rains of heaven;
 So he, cut from the sympathies of life,
 And cast ashore from pleasure's boisterous surge—
 A wandering, weary, worn, and wretched thing;
 Scorch'd, and desolate, and blasted soul;
 A gloomy wilderness of dying thought—
 Repin'd and Groan'd, and wither'd from the earth.
 His groanings fill'd the land his eloquence fill'd;
 And yet he seemed ashamed to groan. Poor man!
 Ashamed to ask, and yet he needed help,
 Proof this beyond all lingering doubt,
 That not with natural or mental wealth
 Was God delighted, or His peace secured;
 That not in natural or mental wealth
 Is human happiness or grandeur found.
 Attempt, how monstrous! and how surely vain!
 With things of earthly sort, with ought but God,
 With ought but moral excellence, truth, and love,
 To satisfy and fill the immortal soul!
 Attempt, vain, inconceivable! attempt!
 To satisfy the ocean with a drop;
 To marry Immortality to Death;
 And with the unsubstantial shade of time,
 To fill the embrace of all eternity!

A CONCLUDING ESTIMATE.

And now, kind reader, you are all but done. An effort has been made to be as fair throughout these pages as the truth itself. A sense of duty to this, his native State, however, has impelled the author as one who has had a fair opportunity to judge, to speak plainly, though not in anger, in malice, or in envy, as Mr. Bailey has so frequently charged.

A frank and final estimate of Mr. Bailey's real character may be briefly though pointedly stated by his comparison with some noted characters of history.

Jesus of Nazareth had His Judas, though the latter differed from some modern betrayers of trust in that he repented of his sins, and sought to make restitution by flinging back the shining shekels of silver to the filthy source from whence they came to poison, pollute and destroy his life;

Julius Caesar had his Brutus, albeit the latter would have us excuse his traitorism to his friend by a false pretense of loyalty to principle;

Lord Bacon, at once the wisest and the meanest of mankind, *accepted bribes and loans, never to be repaid, and then, like a modern senator of self-confessed genius, defied the world to prove that he had "delivered the goods" to those who had paid him his price;*

Our American Colonies had their Benedict Arnold, who bartered his patriotism and betrayed his country's trust for British gold;

And now, witness among the historic instances of official infidelity, \$7,000,000.00 in net profits in seven years—the boldest rob-

bery of all time—having been wrung from the weary hands of honest, though toiling Texans, by the barons of the kingdoms of oil, through the small investment of an hundred thousand dollars in a Texas plant, and a few filthy thousand more in a faithless, though said to be brilliant United States Senator from Texas, and then answer us, patriots of all parties everywhere, will posterity not be compelled to sorrowfully cry out: "TEXAS, TOO, HAD HER BAILEY."

AN HISTORIC WARNING.

Go mark him well;
For him no minstrel raptures swell;
High tho' his titles, proud his name,
Boundless his wealth as wish can claim;
Despite those titles, power, and pelf,
The wretch, concentered all in self,
Living, has forfeited fair renown;
And, doubly dying, shall go down
To the vile dust, from whence he sprung,
Uawept, unhonored, and unsung.

—*Scott.*

APPENDIX

CONTENTS OF APPENDIX WILL BE FOUND AT THE BEGINNING OF VOLUME I.
THE INDEX NOT ONLY OF THE WORK PROPER, BUT OF THE
APPENDIX ALSO WILL BE FOUND IN ONE INDEX
AT THE END OF VOLUME II.

CHAPTER XXXIII.

MORE OR LESS POETICAL.

"MY COUNTRY."

(Up to Date.)

BY N. N. KEITH, Dallas, Texas.

I.

My Texas once so free,
With Gallant Chivalry,
Deep now thy woe.
Land where thy patriots died,
Now cursed by Bailey's pride,
From plain to mountain side
Reigns "COAL OIL JOB."

II.

My County fair to see,
What hast come over thee,
This curse to bear?
Let manhood blush to own
The star 'twas once our own,
But now Joe Bailey's throne,
The trusts to share.

III.

Let music turn to sighs,
When we no longer prize
Thy proud fair name.
I love the few and brave,
Who their best service gave
And fought each despot knave
To hide thy shame.

IV.

Dear Texas, shall it be,
That thou'lt on bended knee
Serve this vile power?
God's sovereign arm invoke,
And with one mighty stroke
Cast off this Tyrant's yoke,
This very hour.

OUR NEW YEAR 1907.

(Texas Farmer.)

Oh, Texas, though thy lands be fat
From rolling plain to marshy flat
With great abundance, and all that,
The New Year finds thee sorrowing.
Thou grievest sore for injured name,
For wounded pride and tarnished fame,
And well may'st hide thy face in shame,
For Bailey and his borrowing!

SENATOR JOSEPH W. BAILEY.

To him base Opportunity has come
 With noiseless step, as walking on soft wool,
 And lightly knocked or gave his door a pull;
 Knowing that Fortune is not frolicsome,
 He quickly seized the swinging pendulum
 Before that wicked moment passed in full,
 And boodle flowed! Now like a ranting bull,
 The oaths he swears would strike a devil dumb!

Alas! the voice that late could plead so well,
 Is now profane; its eloquence has fled
 Which smote his colleagues oft with dire dismay;
 With form rotund, he sounds a blasted shell,
 And all within are keen remorse and dread;
 Thus one by one our rascals fade away!

RUFUS J. CHILDRESS.

FROM POVERTY TO WEALTH, FROM WEALTH TO OBLIVION.

Once he was poor as a statesman can get
 But he got to be a corporation pet;
 Through Francis and Sibley, true and staunch,
 He got his title to the Grapevine ranch;
 Went to the Senate on Anti-Trust plank,
 Slipt off that plank in Standard Oil tank.
 Deserted his State for a wad of dough,
 And that was the last of "Coal Oil Joe."
 CULLEN THOMAS, at Houston, December 20, 1906.

"AN ODE TO OILY JOE."

"Oily Joe" is a great big man
 In the minds of his devotees,
 He helped the Trusts the laws to bust,
 And charged them great big fees.

He borrowed money he didn't pay back
 From the gallant H. Clay Pierce,
 And the way he "blowed" that outlawed toad
 Was something simply fierce.

He winked at the trusts and the trusts winked back,
 And loaned him money free
 To chase his foes where the "Sulphur glows,"
 Or into the "deep blue sea."

This Great big man (?) talked long and loud,
 And caused men's blood to boil,
 He made them believe while he smiled up his sleeve
 That he hated "Standard Oil."

He wrote for a five thousand dollar fee
 A Charter for Standard Oil,
 With immaculate brass and the bray of an ass
 He claimed it for honest toil.

He compares himself to the Godly Christ,
Who between two thieves did die,
When they say he's not right he dares them to fight,
And gives 'em the long-distance lie.

This story, a Moral, teaches my friend,
That to be successfully great,
You must blow your horn from the time you are born,
And get you a job with the State.

And deem yourself greater than any man
Take loans and fees from the trusts,
And should anyone squeal, just give him a spiel,
And swear that your cause is most just.

BY E. F. WRIGHT, M. D. ROYSE, TEXAS.

A POLITICAL ACROSTIC.

(L. T. M., Houston Chronicle.)

JOSEPH WELDON BAILEY.

J—ust as we thought we had placed him,
O—n the ladder of fame, very high,
S—weet songs of the Sirens seduced him,
E—nticed him with hopes of more pie;
P—ierce, to the rescue! Hurry!
H—elp! Help! Ere our idol shall die.

W—e mourn, for the mighty hath fallen,
E—arthy greatness has passed from his grill;
L—et us hang our mute harps on the willow,
D—on't blame the poor man for his slip.
O—il maketh a very smooth pathway,
N—ot only for man, but for ship.

B—ewail not, my brothers, the lost one,
A—nother more worthy shall come,
I—n time to redeem our fair Texas,
L—ed astray by an unworthy son;
E—very day, then, take courage, as you strive and you toil,
Y—et ever be wary of Pierce and his oil.

WILLIAM A. COCKE.

W—aiting will bring you a man of true worth,
I—nspired with zeal for the people of earth,
L—onging and anxious, like David of old,
L—ight, and the knowledge of truth, to unfold;
I—ntelligent, eloquent, brave and true,
A—man for the masses, and not for the few.
M—arch then to victory, in the "Lone Star" State.

A—wake the opposing, and conquer their hate;
C—ome! and restore our proud prestige again.
O—h haste to redeem us, from shackle and chain;
C—all aloud to the people, they surely will hear,
K—nowing your prowess will follow with cheer,
E—ver and on, till redemption appear.

L. T., SAN ANTONIO, TEXAS.

OH, JOE BAILEY!

(E. L.)

Oh, Joe Bailey! Oh, J. W. Bailey!
 Oh, Joseph Weldon Bailey, all hail!
 Thou Priest of Purity! Thou God! Thou You!
 Thou Ciceronian with all convincing eloquence!
 Thou Pride of the Nation! Thou Heaven born!
 Thou Southern bred! Thou Star of the Senate!
 Thou Great, Great Joe!

Incomparable art thou in all things—
 Yea, perfect—and plu-perfect!
 Thou changest men's minds with a breath!
 Thou makest known thy will and Governors give thee heed!
 Oh, thou Dictator! Thou ruler of us all!
 Thou "long distance thrower of epithets!"
 Thou cunning Joe! Thou artful, adroit Joe!
 Thou Has-Been!
 Oh you! Oh, me too! Oh, you some more!
 Oh, Hell!

JOE BAILEY IN RHYME.

(For the Fannin Co. Democrat.)

He came out here to Texas,
 And he was very poor,
 But we did not reject him,
 Nor turn him from the door.

His hair was long and wavy,
 His eyes Kentucky blue,
 He glorified Jeff Davis,
 We thought him good and true.

We sent him up to congress,
 Judge Hare's high place to fill,
 He had to borrow money
 To pay his railroad bill.

He made some high-flown speeches,
 He talked big with his mouth,
 He had a tongue of silver,
 He praised the Sunny South.

We put more laurels on him,
 We raised him higher still,
 To seat that John H. Reagan
 And Maxey used to fill.

One day he got a message
 'Tis needless to rehearse,
 "Come up here to St. Louis,"
 'Twas signed by H. Clay Pierce.

Now Henry was in trouble
 Expelled from Texas soil,
 And needed some great statesman
 To help him with his oil.

Joe told him he could fix it,
 Without a fleck or flaw,
 Just come back into Texas
 And "bow unto the law!"

Just make a slight maneuver,
 (You need not change your name)
 Just say "re-organizin'"
 And go on just the same.

You need not change a wagon,
 A bill-head or a clerk,
 To give full satisfaction
 And make the system work.

Joe hurried down to Texas,
 And talked the matter o'er,
 And soon the great octopus
 Was runnin' as before.

The plan worked out so nicely
 It pleased the Henry Clay,
 He pulled out his big wallet
 And offered Joseph pay.

Joe thought it would look curious,
If democrats should see,
That from this oily magnate
He should receive a fee!

No, I will make no charges
For wisdom I have shown,
But if it suits your pleasure,
I'll take a modest LOAN!

He borrowed and he borrowed,
And then he borrowed more,
And checks flew round, and vouchers,
About a half a score!

And love-grams writ in cypher,
Ah, wasn't that too fine!
"REPUBLISH" was his title
In that big trust combine!

He bought some fine race horses,
And much Kentucky land,
And blooded bulls and heifers
Of blue grass mark and brand;

A ranch out here at Gainesville,
And big brick stores galore,
A farm and ranch from Barney,
And so forth, and much more.

He practiced for John Kirby,
The Texas lumber king,
Who did into his pocket
A quarter-million fling.

And for those railroad bosses,
Out there in Tennessee,
He worked some 'flooence or strategy,
Whatever it might be:

And won the greatest honors,
As many papers say,
And more big rolls of money
Than he could tote away!

But ah, the house of Jefferson!
It had some smellers keen,

And noses were turned skyward,
They smelled the kerosene!

There was a great explosion,
A fearful, awful shock,
It woke the saints at Tyler,
And raised the chapparel Cocke!

And Senter in the center,
And Crane and Crawford rose,
And even Cyclone Davis
In horror held his nose!

Then Bailey—oh, he ranted!
And then he ranted more!
Such antics on the rostrum
Were never seen before!

I am the Lord's anointed,
I am the nominee,
I'll kill the black hyenas,
Or run them in the sea!

But Col. Billie Crawford
(He didn't want to die)
Sued out a writ dadbustus
Shotguntus alibi!

The Texas Legislature
In kindness did essay
With sanitary jury
To take the stench away.

The more it sanitized,
(Astonishing to tell!)
And sponged and fumigated,
The louder was the smell!

And now, my fellow-countrymen,
With shame we must confess,
We've got the grand old party
Into an awful mess!

What shall we do with Bailey?
A question hard and deep:
He says he's too big to banish,
Surely he SMELLS TOO BAD TO KEEP!
AN OLD DEMOCRAT.

BAILEY, THE BLUFFER.

How dear to the heart of the fat corporation
 When fond admiration presents him to view;
 He served us so well, in the state and the nation,
 No reward, our dear bluffer, is too dear for you.
 Bluff on, our dear bluffer, when growlers berate thee,
 The clouds may look dark, but the sunlight will burst;
 The oil will burn on, tho' consumers may hate thee—
 Come to us, dear bluffer in hunger or thirst.
 The boodle-bound bluffer, the smooth-talking bluffer,
 The Standard Oil bluffer, who came to us first.

How luring, indeed, were the sops of temptation,
 All thrown out before him, no mortal can tell;
 The farm in Kentucky, the old Gibbs plantation,
 And John Henry Kirby, too, loved him so well.
 The Tennessee railroad, the coal mines and rake-off,
 The fees and commissions, all rosy as morn;
 'Twas simply resistless—an absolute take-off—
 No bluffer, if human, such tempting would scorn.
 The boodle-bound bluffer, the high-rolling bluffer—
 No smoother tongued bluffer was ever yet born.

They may work their conventions, and state legislature,
 Our money and lobby, your armor and shield,
 To sustain our brave bluffer—bluffer by nature—
 With all the rich boodle your bluffing shall yield.
 The poor and the vulgar, the scum of creation,
 All prating of panics, of want and despair,
 Know naught of the blessings the smooth corporation
 Shall reap from the bluffing our bluffer will share.
 The boodle-bound bluffer, the Standard Oil bluffer.
 The iron-nerved bluffer, to do and to dare.

Liberty, Texas, April 10, 1908.

—P. A. BROOKER.

BAILEY CORONATION HYMN.

(Ascribed by Pat O'Keefe to Frederick Upham Adams and Judge
 "Matchless Monkey" Brooks.)

Oil hail the gift of Bailie's name,
 Let flunkies prostrate fall;
 Bring forth Clay Pierce's loan of shame,
 And crown Joe lord of Oil.

Crown him, Tom Jones, Carden, Odell,
 Who from his coffers bawl,
 List ye the clang of Pierce's bell,
 And crown Joe lord of Oil.

Hail him the heir of Francis' line,
 Whom Dave our Joe did call;
 The god petroleat, man malign,
 And crown Joe lord of Oil.

Ye seed of Bailey's chosen race,
 Ye remnant weak and small,
 Hail him who saves you by his brass,
 And crown Joe lord of Oil.

Idolaters whose memory will e'en forget
 Joe's vouchers and his gall,
 Go spread your conscience at his feet,
 And crown Joe lord of Oil.

Let Nelson Phillips, Col. Spell,
 Before him prostrate fall,
 To them oil borrowings never smell—
 They crown Joe lord of Oil.

CHAPTER XXXIV.

GOVERNOR HOGG'S SPEECH VS. WATERS-PIERCE OIL COMPANY'S RE-ADMISSION, BEFORE THE TEXAS BAR ASSOCIATION AT GALVESTON, TEXAS, JULY 25th AND 26th, 1900.

The following strong utterances were expressed by that great patriot at Galveston, Texas, about 60 days after the simulated reorganization and fraudulent readmission of the Standard Oil ally in the Southwest to do business in Texas. Governor Hogg said in part:

"Why in this very thing you have been discussing. It cannot change its status in a day by merely changing its suit of clothes. That institution was held by the courts of the country to be illegal and a trust, defiant of the constitution and the laws. There wasn't a change of its legal status, except by getting a so-called charter the next day. It didn't even change the mules who were drawing its wagons; it didn't change the drivers who were driving those mules; it didn't change its agents; it didn't change its contracts with the railroad companies; it didn't change its property an iota; it didn't change its books or accounts; it didn't change its name; it didn't change the instrumentalities under which it was declared a trust. If our trust laws are to be held under such precarious conditions as that we had as well wipe them out."

Mr. Searcy: "The old concern had closed business, and this was a new concern."

Governor Hogg: "No, Sir; the concern did not go out of existence. It voluntarily changed its clothes. It didn't change its domicile; it didn't change its stock; it didn't change its contracts, nor any of the instrumentalities by which it oppressed the people of this State as a trust. It voluntarily changed its clothes."

"It is not the question whether this new corporation should be pursued or not. I say it can and should be and it would be indecent not to be, and it would hold our laws and courts in contempt if not pursued. But should we confess or intimate that by a change of its clothes it can change its legal status. To do so we would hold our courts and laws in contempt and hold ourselves up to the scorn of the ignorant and the wise. I say it is still a trust and can be pursued."

"I said that corporation is a trust and that it has not been punished. The decree of the court was not enforced."

Prof. Simpkins: "Then, that is because the laws are ineffective."

Governor Hogg: "They are effective; the trouble is that they are not enforced, I am sorry that the question has been raised in this way, but I will not subscribe to a hint that what has been done is a legal course to pursue in the enforcement of our laws. This corporation was found criminally guilty, and it has never been whipped for its crime. There was a law there prescribing a penalty of \$50.00 a day for every person belonging to that trust, but it hasn't been enforced. Yet their president comes into Texas a confessed criminal, stalks in the Capital treating with the state officials, unwhipped of justice. That is what holds our laws in contempt. There has been no punishment; it has been avoided by subterfuge, a subterfuge that would never have been considered by a court if the matter had been submitted to it. If we are going to submit to that by endorsing it, we are going to lower the standard of the profession that has always unsheathed its sword in defense of the rights of the people against their aggressors. The secretary of state, by his oath of office, is pledged to enforce the law. I say that he had a right to question the legality of that concern to have refused it a permit and to have raised the issue properly. You tell me he can't do that? Suppose there is a corporation formed in Arkansas for the purpose of murdering people, and its charter is presented to the secretary of state of Texas. Would the secretary of state have granted the permit? No, because it would have been an illegal concern. He is required to admit only legal concerns. Suppose a corporation is chartered in Kansas to buy and sell lands in Texas. The secretary of state of Texas wouldn't grant a permit to that corporation, because the law forbids the

operation of corporations of that kind here. Suppose any other illegal corporation had presented articles of incorporation and asked for a permit to do business in Texas, would the secretary of state have granted a permit in the face of the fact that he knew it to be illegal? No, Sir; because the first duty of an officer is to enforce the law. When there is doubt along his pathway as he treads it in the execution of his duty, as to the legality of his steps he must halt and turn back. The doubt must be resolved in favor of the law. There it was, circulated throughout this state from the Gulf to the Panhandle, the American people everywhere standing on tiptoe to hear it, that the great and majestic *State of Texas would strike down the trusts and put the felons in bonds.*"

Mr. Searcy: "But musn't the grand jury first indict a man?"

Governor Hogg: "*No, Sir; he can be arrested and bound over to the grand jury, just as you do a negro, or a white man, up the state when he has committed a crime. You set the officers after him to arrest him. It is very easy to trump up a charge against a chap of that sort to hold him, but when the colossal criminal comes to Texas he stalks abroad, defiant of the law, without complaint being made against him, without the officers being called upon to arrest him, and that is what causes me to be ashamed of the act. I know I tread upon ticklish ground, but by gatlins, I have been used to it all my life. If such is to be the fate of our admirable laws against trusts in Texas, we had as well bundle them up and become the peons of the trust magnates and carry out their will without complaint. We must as lawyers unsheath our lances and walk forth against and strike against this colossus that overshadows and threatens the happiness of our people. You may snigger and smile and smirk and be derisive to me and the stand I take, but I say it is a crime to hint or connive at indorsement in any form of the declaration that the anti-trust laws of our State can be enforced against trusts by driving them into a new charter. If we do that we declare that it is impossible to enforce the laws in Texas against the strong while the penitentiary is full of the weak. As for myself, I allude to an act of a public official presented here in the admirable paper of our friend Autry. If I have done so with some feeling it is because every fiber in my being is attuned to the fullest extent for old Texas, the pride of my life.*"

"It means that simply by being rechristened in another State, they can nullify the law of this State and fasten their tentacles more firmly upon the State. If the attorney-general had advised the secretary of State not to grant the permit because the new company was a fraud and subterfuge, and if they had gone into court, and the court had found that the company was not a subterfuge we would at least have had a decree of the court to guide us in legislation hereafter. As it is we simply have the opinion of the attorney general which renders nugatory the decree of the court. * * * Mr. Smith has always been my friend, and is so today. I had no idea of going into this matter; I did not know it was going to be sprung, but they couldn't spring these trust matters too fast for me to tackle. I had nothing to do with passing upon the permit of the Waters-Pierce Oil Company in 1889. The then secretary of state passed upon such matters himself and denied permits to illegal corporations.

"I would have had these rascallions arrested if it had made me ten times more unpopular with the trusts than I am now. There should have been some effort made to strike down the octopus. I know that lawyers who are accustomed to looking at the other side of the case are the hardest people in the world to discuss this question before, but I thought the State was entitled to something more than a change of clothes on the part of the corporation which had been found guilty.

"Mr. Hardy should have refused the oil company admission into Texas. Then the property would have gone back into the several competing companies as it was before the trust absorbed them. But according to Mr. Hardy, a trust can be made a legal institution by merely changing its charter. If that is a fact then God spare the people. Any lawyer who feels like placing himself on record as saying this is the law, must take care of himself when he has to explain himself to God Almighty and to the people."—The Galveston Daily News, July 26 and 27, 1900.

CHAPTER XXXV.

GENERAL M. M. CRANE'S ADDRESS, CRANE-BAILEY DEBATE.

The following is the substance of Mr. Crane's speech at the Crane-Bailey Debate, Houston, Texas, October 6, 1906, as reported by the Dallas-Galveston News of October 7th.

NO RIGHT TO REPRESENT MONOPOLIES.

I am here to maintain the proposition that no United States Senator or Congressman has a right to accept fees or employment from the monopolies or other public corporations or their representatives, for the control of which he is sent to the United States Congress or the United States Senate.

I do not deny any lawyer the right to accept a fee when he is in the private practice representing any kind of a client. I do that myself, and make no apology for it, but when a man enters the public service and his principal duty is the test between American citizens and monopolies and the public service corporations, I maintain that the greatest good and best results are secured by that man divorcing himself as absolutely from these corporations as a Judge does when he tries a case between the people and the railroad company. No, my fellow-citizens, I am announcing no new rule. It is as old as the Government itself. I am announcing one I believe that has been firmly imbedded in the public policy and that public policy particularly of the South and West. You will remember that the Constitution of 1875 put a plank in its platform, or rather a clause in the Constitution (Section 6, Article 4) prescribing the qualifications of Governor, prescribing substantially that the Governor shall hold no office in a corporation or otherwise than the office of Governor; that he shall engage in no business other than that of Governor, and shall receive no compensation other than that of his salary for services performed; that he shall receive no promises for services to be performed, even at the end of his term, until the term has expired. They were not pessimists that made that Constitution; on the contrary, among those who participated in that Constitutional convention was Judge John J. Henry, now of Dallas; Judge Ballinger of Galveston and John Reagan of Palestine, and the lamented John W. Stayton, Chief Justice of the Supreme Court. The Governor in taking that official oath regarded it as no reflection upon him, but recognized that the rule was made to keep out any possibility of this kind.

CITES COMMISSION LAW.

It was a question that could not be abused and therefore would redound to the public good. In 1891, the Texas Railroad Commission was created, and it was provided in the act that created it (Article 4561 of our Statutes) that no Railroad Commissioner should become interested in railroad property or its earnings, whether situated in or out of Texas, and if he did become so interested he voluntarily vacated his office as Railroad Commissioner, and if he became involuntarily interested in it he must within a reasonable length of time divest himself of this interest or the office which he held would be vacated. Not only that, but he was compelled to swear when he took oath of office that he did not own any such interest or was not interested in the earnings of such corporations. Old John H. Reagan regarded it as no reflection upon him when he resigned his seat in the United States Senate and took that place on the Railroad Commission. No man who knew Judge Reagan believed he would be false in such employment, but they did not know who else might get on the Railroad Commission, and they swore they would be on the safe side. Not only that, my fellow-countrymen, when you granted the city charters to the various cities in Texas you put clauses in those charters to the effect that members of your City Council should in no way become interested in the public service corporations or in any way become interested or receive any employment at their hands.

Why? Did you believe all the people you elected would be thieves? No, but you believed in the rule of public policy that where you gave to the people of a city government and a corporation a situation on the outside who when they came before that corporation might be paid in emoluments and possible influence their action in the same. Not only that, but your judiciary is hedged about in the same manner and with the same limitation. A judge can not try a case in which he was interested, where he has been former counsel, or is related to the parties or personally interested in the result. Why? Do you believe a distinguished lawyer would try to be influenced or could be influenced in that way? Some might not, but it is only safe rule to adopt; therefore the Judge, though he be as pure as snow when he mounts the wool sack, must be divested of every possible interest, and degree. If he does perchance enter an order in the case in which an interest does exist, so watchful is the law of the rights of her citizens to protect the administration of justice, it says the order shall be void. You take your County and District Attorneys. They cannot receive any compensation other than the law provides for them. Suppose your District Attorney in this district. It may be said that he could take a civil case if he had time to try it. I grant it. But suppose some man indicted for murder in Harris County or is charged with burglary or murder and every kind of crime, and suppose he goes to the District Attorney and employs him in his civil case, giving him thousands and thousands of dollars to defend the case, what would the public say? The public would say we will swap attorneys. The fact is that the public will take no chances on a proposition of this sort.

Now again this rule has been recognized everywhere. The last Democratic convention that met at Dallas, of which Senator Bailey was a member and was on the Democratic platform committee, they solemnly put into their platform a plank against nepotism—that no head of a department should employ any member of his family; that the Governor should not have his son for his private secretary; that the Treasurer should not have his son in a clerkship. Why? Did they believe that Gov. Lanham was false with his accomplished son as his private secretary or that he was false to his duty? That wasn't the question. The question was this, and they acted on the question, that it was dangerous and that it was a dangerous precedent and subversive of the rights of the people to make it a merely family affair. How insignificant is the employment of a relation in the public service compared with our Congressmen and Senators who go to Congress to protect us against the illegal exaction of monopolies and railroads, and then become the hired counsel for the railroads and monopolies that we employ them to protect us against. I don't care whether they are railroads or not.

REFERS TO COKE AND OTHERS.

This, as I stated, is no new doctrine. We never had a United States Senator before within my knowledge who ever accepted employment from these public service corporations, even when times were less tense than they are now. Senator Coke, whom we fondly indicated "Old Brains" and whom I loved for his personal kindness to me as well as for his fidelity to the public interest, did not incur himself by accepting employment from public service corporations. John Maxey never thus entangled himself. Roger Q. Mills never thus incumbered himself, though had it not been for the accidental discovery of oil upon his land he would have retired from public life a poverty-stricken old man. Judge Reagan, you know, died poor and never accepted any employment from any client who would have favors to seek of the body of which he was a member.

Now, my fellow-men, there are some people in this Nation who you delight to honor. There are some men in this Nation with whom you may not agree upon all questions, but with whom you do agree as staying in the proper place for public officials. You will remember today that there is but one name with whom the National Democracy dares to conjure, and that is the name of William Jennings Bryan. William J. Bryan in a recent contest over a member of the executive committee (and I have his statement here more elaborate in his paper in reference to

this executive committeemen) he said that no man connected with these public service corporations should even serve on the National Executive Committee of this Nation. If it be true that a man who is only interested in these public service corporations can not sit on the National Executive Committee, how much less ought he to sit in the United States Senate? How much less ought he to sit in this body and pass upon the rights of the people? He states his reason for this.

PUBLIC MAN NOT HIS OWNER.

He says and argues that the man who incumbers himself with a public office must accept no employment that shakes the confidence of even the unthinking in the loyalty of him to the principles that he espouses as a politician. A public man is not his owner, he belongs to his party and to his people, and he has no right, though he be as honest as Paul, to incumber himself with dead weight that makes outside people who do not know him suspect his loyalty to the convictions which he states in his public speeches.

Now, fellow-citizens, I have another statement here. Mr. Bailey, you remember, gave out a statement a short time since, I believe it was in his Greenville speech, in which he stated that he refused to purchase Indian Territory land, or rather lease it. Why? Because, said he, "Congress had to deal with that subject and I would not touch it—I would not touch it." Now, remember he recognized the right and he recognized the impropriety in that statement of doing anything that would put him in a private position that was inconsistent with his public position. It ought to have occurred to the distinguished Senator that when he accepted an attorneyship for corporations that had to be regulated or ordered, when he formed such relation with them that put him in touch with them and in common interest with them, that it was inconsistent with the official position of a Senator.

Mr. Bailey used to think on more extreme lines than I do, even. In his testimony before the legislative committee in Austin in 1900 he testified as follows:

In reference to his acquisition of the Gibbs ranch, he gave the reason why he got it. He said that his friends, Jot Gunter and Robert Kleberg, tried to dissuade him from assuming the burden that he then assumed. What did he say was the reason that he got it? Said he: "I knew that as an honest man I could save nothing in the public service."

DANGEROUS TO REPUTATION.

Now, fellow citizens, Mr. Bailey put that proposition stronger than I would have done. I do not believe it is impossible for an honest man to make money in the public service. No, but I do think it is an exceedingly dangerous thing to his reputation—I do not care if he is as honest as his own mother. And when he injures his reputation, he injures the people that elected him; he impairs his efficiency and his ability to serve them, and he ought not to engage in these entanglements. Mr. Bailey gives as his reasons for it that he does not want to die poor and that he does not want to take his family to the poorhouse. None of us want to do that. I don't blame him for it, but let me say to Senator Bailey that there are two ways in which he can avoid it: Resign his position and enter private business of which his earnings and his time will all be his own, or, failing in that, if the salary is too small, have him move the United States Congress to increase that salary so as to enable him to live above want. What I mean to assert is that the American people are too big and too patriotic to put their Senators and United States Congressmen on the same basis of the part-paid policeman. They do not want part-paid policemen. They are able to pay them their full salary and they are willing to do it, provided they are not paying them enough already.

Now, fellow citizens, I come to the other question. It cannot be disputed, in my judgment. The text writers lay down the rule that Federal Congressmen and Senators and officers generally have no right to accept employment from those that are adversely interested in the interests that they represent. Unless that were true, don't you know that the street car companies, the electric light companies and the water

companies, if you had not bought them—and maybe somebody will call you Socialists for that—don't you know that they would employ the Mayor and all of his City Council? Of course, it would be legitimate, and business. It might not influence their action, but it would be a dangerous proposition for you to risk.

Now, what is Mr. Bailey's attitude to the corporations? It began in 1900. A suit was brought against the Waters-Pierce Oil Company, complaining that it had violated the Texas anti-trust law; that is, there were various allegations in the petition—some to the effect that it had made contracts with merchants compelling those merchants to buy oil from the Waters-Pierce Oil Company only; that they dictated to their customers the price at which they should sell; others, but they bound them not to sell to anybody, man or beast, that bought oil from anybody else but the Waters-Pierce Oil Company.

And again it was charged that it was a part of the Standard Oil combination. I propounded interrogatories to H. Clay Pierce, of whom you have heard, conducting the litigation, to know who owned the stock of the Waters-Pierce Oil Company. He declined to answer, he said, for business reasons, and subsequent developments show what those business reasons were. And in the meantime I had in contemplation attempting to do what Attorney General Hadley of Missouri has so brilliantly and efficiently done since. Republican though he be, I honor him for his fidelity to public duty. But in the meantime I had taken depositions in Texas from Hopkins County, from McLennan County, from Hunt County and all over the State of Texas, proving conclusively that the Waters-Pierce Oil Company for a series of years had been crushing competition at every point in Texas, violating the anti-trust law almost every hour and minute of the day. Having proven that much, I thought it unnecessary to delay the case to prove that it was a part of the Standard Oil trust, because that was only one other violation. Proving enough to convict it I quit at that, but not before I received the written admission from the two distinguished lawyers who represented the company—John D. Johnson and George Clark—to the effect that the Waters-Pierce Oil Company sold illuminating oils in a restricted territory since defined by Pierce, without competition from any company engaged in the Standard combination, and it sold oils nowhere in competition with those Standard Oil Companies.

STANDARD OIL AGREEMENT.

Now, I thought that with the Standard Oil Agreement and with that further compact that it sold oil nowhere except in restricted territories without competition with the Standard Oil, that it did not seek to compete with Standard Oil anywhere else, that it was sufficient to show a combination between them. Would not you?

The District Judge, and he was a learned Judge, and I make no complaint at him at all, refused to submit the issue to the jury as to whether the Standard Oil agreement was sufficient or not, withdrew it from the jury. I always believed he did it for this reason, and this only, that he knew that if I could not convict them upon the other count with such overwhelming testimony, I could not convict them on the other counts. If I could convict on those counts, I would exclude it from the State, and that was all that I could do if I proved all the counts. I did convict it. It was excluded. That is to say, the courts adjudicated that it should be excluded. It was appealed to the Court of Civil Appeals, there affirmed. It then went to the Supreme Court of the State. It refused a writ of error. It then went to the Supreme Court of the United States and that august tribunal affirmed the judgment of the court below. I thought Mr. Waters-Pierce was done for; that he would have to pay for the destruction of competition in this State. It had been the most cruel pirate that ever sailed upon the commercial sea. But Senator Bailey appeared upon the scene about that time, as he testifies, and I credit his statement, the only doubtful point about it is that he is corroborated by Clay Pierce; that Pierce told him that it had never been convicted of being a trust, and that the thing done here in Texas was at Brownsville, you know, the action of the inexperienced agent.

That was a whopper. The proof showed that it was in pursuance of a policy outlined in the office in St. Louis, and the court submitted that to the jury and the

jury found the facts that way. Brownsville, of course, was in it. So was the entire State of Texas. Now, after that, Clay told the Senator that he was much maligned, that it was an independent company, that Standard Oil had nothing to do with it. The Senator swallowed his statement. And I think like the old Westener did when approached by somebody who told him a story of what had occurred, that he was too awfully credulous.

Think of it, fellow citizens, a man convicted of violating the laws of the State of Texas on several different counts, because he was in charge of the corporation. Of course he would say he was innocent. Did you ever see a man go to the penitentiary, shackled with chains who does not swear that it was an outrage and that he was innocent? I used to practice criminal law. Sometimes they were unfortunate enough to get convicted. But of all the number I did defend, I never had but one to admit to me or my associate counsel that he was guilty, and that a poor, half-idiotic boy, whom the jury acquitted in spite of his confession.

That is a fact that occurred at Meridian, Bosque County. Myself and Bill Knight of Fort Worth were in the case. It was such an awful case that I would not argue it. Bill turned to me and said:

"How shall we argue it?" I said: "We shall not argue it at all," and the jury went out and that was the result. I guess the fact that we made no argument saved him.

Now, Clay Pierce said it did not belong to the Standard, he said it did not belong to the Standard. Oh, no, he was a good boy, and the Senator said that he promised to be good, too, if they would let him back. He was sorry. He was like the boy that his daddy was about to lick and when the boy's mother came in he said: "Mamma, pop liked to got me." She said: "How did you keep him from it, son?" He said: "I told him I was sorry," and he said I was sorry because he had caught me. He was wonderfully penitent now.

DID NOT SWEAR THE TRUTH.

Now the point I make is when Clay Pierce swore to that affidavit, the point I make is that Clay Pierce did not tell the Senator the truth, and when he swore that was an independent company—ladies, I won't say what he did, but God knows he did not swear the truth. Now, how do I know that? I know that now by his own confession. You know they chased him and old John D. Rockefeller. Every time they catch John D. away from the church he locks himself up somewhere. He prays to his God for his abundant mercy and gives contributions to colleges to educate his people to his way of thinking, and immediately pops the thumb screws to the oil and raises the price to those same people. I love a good man, but God knows I hate a hypocrite.

H. Clay said he had nothing to do with Pious John. I have the official report of H. Clay Pierce's testimony here in my grip, and if anybody disputes what I say about it, I will let any gentleman take it and print it in the newspapers exactly as he says on that point. What is it? H. Clay said that at the date that the Waters-Pierce Oil Company was convicted and sent to the—ought to have been to the penitentiary along with him—but supposed to be excluded from the State, that the Standard Oil Company owned at that date 68½ per cent. of its stock. They made him say it and he admits that when the company was reorganized—God save such reorganization—when it was reorganized he understood that John D. Johnson had an understanding with the Standard Oil Company that in the so-called new corporation the Standard Oil Company would continue to own 68½ per cent. of the stock, and yet he swore that it was an independent company and had nothing to do with the Standard Oil Company.

How did he salve his conscience over that way? Why, it was agreed that the stock should stand in his name for awhile all of it. Admitted in April or May, or the first of June, 1900. In September, 1900, he transferred the stock solely to the Standard Oil Company, and every dividend that the company earned he sent 68½ per cent. of that dividend to the Standard Oil Company, in spite of his affidavit. Not

only that, my fellow-citizens, but he states, too, that the Waters-Pierce Oil Company had an agreement with the Standard Oil Company, which has been in existence and has been observed ever since for nearly thirty years, by which it was agreed that the Waters-Pierce Oil Company should sell oil only in a certain restricted territory and nowhere else, and that the Standard Oil Company practically never did compete with it. Why should it? It owned it. It controlled it.

EARN ENORMOUS DIVIDENDS.

And he boasts, too, fellow-citizens, that as a result of the monopoly that the Waters-Pierce Oil Company has earned from 600 to 700 per cent. annually as a dividend. He has extorted from commerce, because you know that 600 or 700 per cent. dividend is not fair and cannot be obtained from a free people by any ordinary, honest means.

But Senator Bailey suggested to these people while they were in trouble, so he says, that they disorganize and reorganize. Disorganized one day, reorganized the next. Clay Pierce owned 31½ per cent. of the stock in the company when it disorganized. The Standard Oil Company owned the rest, though it stood in one of its creature's names. And then they reorganized, the same thing over again. The same thing. No invoice taken. No oil wagon changed. No driver changed. No anything changed. Same old thing over again. Claimed to have been born again like a hypocritical Christian that never was born at all. Yes, a new birth.

SOLEMN JUDGMENT EVADED.

There, my fellow-countrymen, what have we got? Why was it done? It was done for the purpose of evading a solemn judgment of the Supreme Court of this State, affirmed by the Supreme Court of the United States, and the flag of proud old Texas, with traditions that we love and her people ought to be proud, trailed behind an infernal Waters-Pierce wagon.

Now, fellow-citizens, suppose that a street car company had undertaken to go across your front yard, among your wife's flowers and roses. You go down to Judge Kittrell's, Judge Ash's or Judge Hamblen's court and get an injunction. You get a decree restraining them from so doing. This is affirmed by the Supreme Court. What do they do? Why, according to Mr. Bailey's and Waters-Pierce philosophy, all on earth they would have to do would be to dissolve tonight, reorganize the next day and tell you to go to Hades.

Now, I have no criticisms of the 'dead, nor do I wish to discuss the legal propositions involved beyond this, but I do know if I know anything, that when a judgment is entered, or a written instrument is made, the sole and exclusive purpose of which is to defraud anybody out of the result of a judgment that that is a fraudulent instrument and a fraudulent judgment and void in law.

I do not care if it is the law in Missouri. The Attorney General of Missouri wrote me that it was not the law there. The Secretary of State said it was. So the contest is on in Missouri but whether from Missouri or not, before they can defraud Texas out of her just rights secured in a judgment, and make me believe it is law, they will have to show me more than a Secretary of State. Well, it got back. It has been here six years; thanks to Senator Bailey. He said he was not paid for it. I accept his statement. But, good Lord, what an indignity he put on us for nothing.

Proud old Texas humiliated, her laws spat upon, her courts defied, and because H. Clay Pierce promised to be good.

There is one little significant circumstance connected with all this to show what a hardened old sinner the Waters-Pierce Oil Company was. While the negotiations were going on between the Attorney General and the chief attorney of Smith—I have it here in the journal—great-big-hearted fellow, said—that was the 15th of May, 1900, after the case had been affirmed by the Supreme Court, and I presume after the promise to be good, said:

SAME OLD REBATING.

"Mr. Johnson, please tell Mr. Pierce that I have a letter from Luling today, Caldwell County, in which I find that the Waters-Pierce Oil Company is pursuing its same old methods of rebating."

Yes. How could it get good? It never stopped its iniquity for one moment, and yet it was permitted to come back.

Now, Mr. Bailey generously took on himself at the Waco convention six years ago the entire blame for the whole transaction. All I have got to say is that he assumed a monstrous load. It has been here for six years. It has monopolized the oil trade of this country, boasted that for years it did 97½ per cent. or 98 per cent. of the oil trade in Missouri, and my understanding is from all the sources I can get, they did about 85 per cent. of the oil trade in Texas. Well, now, there is this about it all: I do not think that H. Clay Pierce treated Senator Bailey right. I don't. I don't like to see a Texas Senator taken in by an Oily Gammon like he is. Now, there is this further fact I want to call your attention to. Surely Senator Bailey has found out before now how he has been treated, and when he loses his temper and denounces everybody that disagrees with him, I have been waiting to hear a denunciation of the man who misled him and thereby caused him to mislead the State of Texas. Now, fellow-citizens, he may denounce him, yet I don't know. The point I make is that if he does it comes too awfully late. Why, in his Greenville speech he printed a letter of H. Clay Pierce and called him Mr. Pierce. If I had been he, with the lights before me, I would have denounced him as the "False and perjured Clarence," Henry Clay Pierce of Missouri. I would like to see any man make a statement to me of a fact and have me go and represent to my friends that it was the truth and let me afterwards find out that it was a lie, and a deliberate one. That man and I could never be friends any more.

But now, fellow-citizens, here is another result of that business: The Texas Legislature in the spring of 1901 had a bill introduced into it by Judge McFall declaring the whole entrance of the corporation into Texas a fraud. I do not mean to say that this was the proper way in which to reach the point. On that I express no opinion nor do I wish to, but The Dallas News in the Spring of 1901, during the session, announced that Senator Bailey was in Austin, that he had come from Washington to fight that bill. Why? Because the charge that it was a fraud reflected on him.

Don't you see? When a public servant mixes up with those rascally monopolies he puts himself in front of them and keeps the Legislature and Congress from doing their duty, because it is impossible. Now that is the trouble. God bless the common people.

Now, fellow-citizens, it has been demonstrated that H. Clay Pierce of the Waters-Pierce Oil Company is but the distributing agent of the Standard Oil Company. Pierce so swears himself. He does not buy a drop of oil from any other concern except the Standard Oil Company and the Security Oil Company of Texas, which he says is a Standard Oil organization. There you are. The Standard furnishes him his oil. The Standard controls 68½ per cent. of stock. The Standard has its hands tied to a certain territory beyond which he dares not go, yet he swears he was independent.

Now, fellow-citizens, I pass that. I have used it to illustrate the danger of our United States Senators mixing up with questions of that sort. Now, you know the Waters-Pierce Oil Company was doing an interstate business as well as State. Suppose that Senator Bailey had received information, and the Lord knows if he had been as industrious in that as he has been in other things he would have gotten it, that the Waters-Pierce Oil Company was a trust and was doing an interstate business, what sort of a position would he have been in to have offered a resolution in the Senate to have directed the judicial machinery of the Nation he put into action, or to have asked it to be put into action, to stop the depredations of this commercial pirate on the people of his own State? How could he have done it? Why, he could have said, "I got it there." He might have reached the same conclusion that The

Dallas News reported him as stating, that it might have reflected on him. It seems to me that he ought to have reached the conclusion that it did not reflect on Pierce for lying to him. It was mighty hard for him to do that. What we want is, ladies and gentlemen, Representatives and Senators to be in the exclusive employment of the people of Texas. We don't want them to be making terms financially with these corporations, not the ordinary corporations, but with those that stifle commerce, destroy competition, and that are doing more to produce Socialism in this country than all the other evils combined.

Now, one other proposition. The next, by the way, before I get away from it. There is another danger always. A man will be misrepresented. They will overstate what he did. Now, for instance, in connection with this Standard Oil incident, I have heard, I don't know whether it is true or not, and the Senator can tell you, that he drew the charter for the Security Oil Company, doing the work of the Standard Oil Company, and was paid a salary for it, or a fee for it. Now, you see if to—

A Voice—Tell what you know about it.

Mr. Crane—Keep still, Bud, he knows him; he will tell you what he knows, and he knows all about it. Now, fellow-citizens, I pass that up. If the charge is not true that is being currently reported in Beaumont and elsewhere, spoken of by his friends as well as his enemies, why, he could refute it? But there comes the trouble again. Whenever you mix up with those fellows they will overstate what you do. So when a man lies down with the dogs he gets up with fleas and he can't help it. That is what Mr. Bryan says is the great danger in all this business. The people won't believe that you are disinterested whether you are or not.

KIRBY LUMBER COMPANY.

Now the next transaction we have Mr. Bailey figuring in is the Kirby Lumber Company. I don't know anything about the Kirby Lumber Company much myself, but I understand it to be the greatest monopoly in the Southwest. That is true, my fellow-citizens, whether it was the cause or not I don't know, but since its organization I know that lumber that we could buy at \$18 and \$20 a thousand now we have to pay \$45 a thousand for. I won't say it caused it, because I do not know it, but wait; suppose it did not. Mr. Bailey is reported to have said that John H. Kirby's business got into trouble down here and he needed a lawyer. Now candidly, that sounds like a joke. I do not mean to say that Mr. Bailey is not a lawyer, but why Mr. Kirby should have had to have gone to Washington City, skipping over the entire Houston bar, to find a lawyer God only knows; I don't.

I am not saying that because I am in Houston. I have said it everywhere, but Houston has had for the last half century almost one of the most brilliant bars in the Southwest, or, indeed, in the whole country anywhere.

Now, there may be good reasons for it. If so, the Senator can state them, but the public don't understand them, and I am objecting to United States Senators mixing up transactions that the ordinary plain man that he represents can not understand and may misconstrue. But here is the proposition to which I invite your attention. The public prints state—and I see no denial of it from Senator Bailey—I don't know what he did for the Kirby Lumber Company. He can tell you that and I don't know how much time it took or anything about it—that he got a fee of \$225,000. That sounds pretty big to an up-country lawyer. I know some fool lawyers that would work ten years for that much, but you know the bar is generous. We don't begrudge Mr. Bailey a fee that he earns as a lawyer, provided that fee does not put him under obligations, express or implied, to political enemies and trusts. Now, as I stated, the public prints charged that he sold some of that stock or bonds of the Kirby Lumber Company to some of the railroads of this county, the Frisco and Rock Island among the number. He knows whether he did or did not. I have seen no denial of that part. I have seen a denial that he sold it to the Santa Fe, or somebody else, but no denial of this. Anyway, he sold it to somebody who had a whole lot of money, and in my judgment not a great deal of sense. Why, because the company has been in the

hands of a receiver almost from the day of its organization. There may be some reason for that; I don't know.

Now, if Mr. Bailey did sell that stock and those bonds, or negotiated loans from railroad companies that were appealing to Congress all the time for help, or to control which he had been sent to the United States Senate, it seems to me, fellow-citizens, that the tendency of that practice would be to put the recipient of those fees derived from the sale of these bonds into close touch and under too much obligation to the powers that we are seeking to control.

SENATORS CONVICTED.

Now, mark you, I am not saying that a man can not be honest and do that, but it is the example that he sets. There are so many people that we send to Congress who would not stand a temptation like that. Now, don't tell me that there is any sanctity about a United States Senator or about Congress. I have rubbed up against these fellows sometimes. Their standards are not above ours. No, not all of them. There are some remarkably good men there in both branches, but let me tell you. Do you know that in the last three years there has been a larger percentage of United States Senators convicted of crime than any other class of American Citizens? Now, that is the God's truth. Let me name them for you. Dietrich escaped like the Dutchman who went to heaven, by the skin of his teeth. He committed an offense about a day or two too early. Mitchell was convicted of fraud by his own law partner. He was sent to the penitentiary and died pending an appeal. Burton of Kansas is in the penitentiary now. Let me tell you, fellow-citizens, that dishonesty does not follow party lines. There are as honest men Republicans as there are Democrats. I am a Democrat and expect to live and die one, but they are not always honest. Let me say to you, I know Democrats, and so do you, who you know ought to be in the penitentiary.

A Voice—There is one on the stage.

Mr. Crane: Not only that, my fellow-citizens, old Depew—

Mr. Bailey: If the man who made that statement that I ought to be in the penitentiary would make it to me, he wouldn't be able to get to the penitentiary. I appeal to my friends not to interrupt Mr. Crane. I only wanted to reply to that insult.

BAILEY EMPLOYED BY PIERCE.

Now what is the next move? Senator Bailey is found deputed by Henry Clay Pierce—and that startled me, fellow-citizens, I didn't know it before. I knew that he had a license to practice law. I really did not think that he had ever practiced much. I knew that he was capable of making a good lawyer if he had turned his attention to it, but I did not think he had ever done it. But it startled me when it was said that he was such a magnificent business man that Clay Pierce intrusted thirteen millions of railroad bonds to him to use as his own. I don't know a lawyer within the circle of my acquaintance that I would trust with that much money. Not that he is not honest, because most lawyers are, but I would know that none of the lawyers that I knew knew any more about finance than a monkey does about theology. Now the Senator may be an exception to it, but it is another one of the things that his constituents don't understand. He had charge not only of the railroads, but of the coal mines. What does he know about mining? I pass that up to him. Now, fellow-citizens, what was he? He had the general control of 365 miles of railroad property. Suppose that Senator Bailey had been the general manager of one of the Texas lines when he was a candidate for the United States Senate, how many votes would he have gotten out of the Texas Democrats? Not that railroad managers are not honest. I take no stock in that kind of rot.

Some of the purest and best men I ever knew were in the railroad employ, as lawyers and otherwise, but they are not fit for Government positions while they hold that job. Now, fellow-citizens, you know as well as I do that the United States government has to make contracts with the railroads every year to carry the mails; you know, too, that the railroads get for that service an

exorbitant price, far more than is given the express companies for similar service, and I never knew an express company to charge too little. Now what kind of a situation was Senator Bailey in to contract with a railroad of which he was the general manager or the general controller? He had it in the hollow of his hand and at the same time was representing us poor people down here in Texas who get that mail and pay the taxes. That is what I am objecting to. I am not charging him with dishonesty, but I say that he is putting himself in a place where he can not serve both at the same time. Now another thing; the tariff on coal comes in. Not only that, freight rates are to be regulated. Well, they gave us a little morsel in the Interstate Commerce bill this time. It was a mighty small one though, and it does not taste altogether well. You can, in the course of human events, if you begin early enough, get your Interstate Commerce Commission to consider the question as to whether the rate on one commodity is too high, but if you don't start in the early winter you won't get the question settled until the crops are all moved, and you won't care anything about the rate then. Now we have been fifteen years getting that. If Senator Bailey can accept employment like that, Senator Culberson can do the same thing and the sixteen Texas Congressmen can do the same thing, and then to whom can we appeal for relief on freight rates? To whom? Humanity is weak. The greatest of men taught his disciples, good men as they were, to pray "Lead me not into temptation." It is a good prayer for every man, and if I were permitted to add an amendment to that without irreverence, I would say to Senator Bailey and the Texas Congressmen to deliver me from Henry Clay Pierce because he is—(Interrupted by cheers.) Now how would you feel? I appeal to my audience. I appeal to these gentlemen on both sides here—business men and merchants. How would you feel if you had to go to your Congressional delegation retained and paid vastly larger sums of money than their salaries by these interests; how would you feel in appealing to them against the exactions, the unlawful and cruel exactions of monopolies and railroad companies? Why, you might as well go down here to Austin and appeal to the railroad lobby over which my humorous friend Lige Perkins presides. You know that.

TIME TO MAKE INNOVATIONS.

Now, fellow-citizens, we are living in an age remarkable for its activities. We are living in an age in which the forces of good and evil were never so active as now. We are living in an age of greed and graft when the trustees of life insurance companies practically embezzle the funds that are placed there for the benefit of the policy-holders. We are living in an age when City Councils have sold their honor to franchise-seeking companies—not all of them, but too many of them. We are living in an age when bribery and corruption have walked erect throughout the land, corrupting Legislatures in Arkansas, in Missouri and elsewhere. Is it time, I ask you, to lower the standard of official ethics? Is it the time to make an innovation and allow Senators and Congressmen to accept fees from these same corporations that have been bribing other Legislatures to become their employees at largely more than we are paying them? Do you think it is safe? Suppose Senator Bailey always does right. Notwithstanding that, how do you know his associates will be strong enough to do it? And you never can tell by what a man is influenced. That is not the test. A judge is not prevented from deciding a case in which he is interested because he may decide it wrong, that is not it. Why, even Bacon, my fellow citizens, Bacon, who had been guilty of bribery, who had debased the English judiciary, defied the whole world to show where a bribe had ever influenced him to decide a case wrong, and by the way, they have never been able to do it. It won't do to take that test.

Now, if Senator Bailey is correct, what follows? You ought to repeal your statutes and constitutional provisions prohibiting a Judge from trying a case in which he had been previously attorney. Why? Because it is a reflection on the Judge. You ought to repeal that constitutional provision which prevents your Governor from making a contract for future employment while he yet fills the Governor's chair. Why? Because it is a reflection on his honesty and his integrity. You ought to repeal that statute which denies the right of a Railroad Commissioner to own stock or be inter-

ested in the revenue of a railroad, either in or out of Texas. Why? Because it would reflect on the character of the man filling that place. You ought to repeal the statute found in the provision of your city character which prohibits your City Council from accepting employment from the public service corporations. Why? It is a reflection on them.

Fellow-citizens, as I stated to you in the beginning, I have no interest in this except for good government. I am not a candidate for any office nor do I want any office. I am content to dedicate the remaining years of my life to those who have a right to my support and who are dependent upon me. I have had ambitions in politics and I was reasonably successful. I never was unsuccessful but once and there is no sore place here (indicating his heart) by reason of that. Some of the best friends I have now are the men who did not support me. Not that. But I want good government. I don't want our Congressmen and our Senators to become the salaried men of John D. Rockefeller (prolonged cheering) or of H. Clay Pierce. That means the same thing, of the Waters-Pierce Oil Company, of the Security Oil Company, of the railroads and coal mines. I don't want that, because it would be worse than appealing to Caesar when you knew that Caesar was going to cut you throat.

OPPOSES MUCK RAKES.

I don't believe in the muck rake business, but, gentlemen, as long as there is muck there will be rakes, and the man in public life must not only be able to demonstrate that he is personally clean, but must be able to demonstrate that the theories for which he stands are the best and will result for the best to the masses of the people. Now, I have some questions to ask the Senator, and I hope he will answer them if he believes that he is right in his ethics. He says he is going to do as he has done in the past to accept employment when it is tendered him just so it does not influence or interfere with his public business. He says that he will work for the people half of the time and for Mrs. Bailey and the boys the other half. Did you know that the Supreme Court of Texas, in the case of Fink vs. the Bank (86 Texas, 306), Judge Tom Brown, the matchless jurist and citizen, announced the proposition that the official salary is given to officers for the purpose of relieving them against want so that they can give their whole time to the public business? Now that is the Supreme Court of Texas. So I say that if the salary is not enough, raise it. I don't mean to be understood as saying that it is improper for a Senator or a Representative to accept any kind of a case in vacation or make any argument in a court. I don't go that far. If it is not an institution or man representing an institution that is asking favors of Congress, within certain limitations I would be willing to concede it as entirely right. But fellow-citizens, I stand here tonight and I expect to contend for that until the clods shall fall on my coffin.

ASKS BAILEY QUESTIONS.

Let it cost what it may, I care not a whit, I intend to insist that Senators and Representatives have no right to take employment from those that we hire them to restrain and control.

Now, I ask the Senator, is he willing to submit to the Legislature that is to elect him and ask them to pass on it without opposition from him, without putting his personality in the way, ask them to state whether they believe a United States Congressman or Senator ought to accept such employment? will he do it, and if they say that he ought not, will he desist or will he cease to try to represent Texas and the corporations, too? If he does not want to do that, let me ask him, is he willing to submit to the Democratic voters of Texas and invite them to pass on the question that I am debating here, ought he, as United States Senator, to accept service from the monopolies and the representatives of public service corporations, to control which he is elected, and at the same time represent them in the Senate? Will he do this? If he will, God knows I will be content. Will he do it? If the people of Texas say that they want to fill Congress with corporation lawyers, serving these corporations while they are serving the people, *if they want to fill the Senate with them I have not a word to say except God pity the people.*

CHAPTER XXXVI.

LETTERS AND ADDRESSES OF HON. CULLEN F. THOMAS.

Waco, Texas, Oct. 6.—Hon. Cullen F. Thomas of this city, who was county attorney at the time of the actions against the Waters-Pierce Oil company people, and naturally had much to do with the cases here, has issued an open letter on the whole subject, which makes interesting reading. The letter is in Mr. Thomas' characteristic style and is as follows:

HON. CULLEN F. THOMAS ARRAIGNS MR. BAILEY.

Senator Joseph W. Bailey, Gainesville, Texas.

Dear Sir:—On June 1, 1900 in the city of Waco, in a conference between counsel for the state and the Waters-Pierce Oil company, H. Clay Pierce said to me: "Mr. Thomas, you are now my only stumbling block in Texas." He came from Austin fresh from his triumphal re-entry into Texas. You had pointed the way to evade the banishment of the courts. The attorney-general had pronounced the forms of dissolution and reorganization to be legal. The secretary of state had granted a new permit to do business. His proposition of settlement of his Waco litigation, made thirty days before in Waco in your presence, had been sanctioned by you, approved by my associate counsel representing the state, but rejected by myself as county attorney of McLennan county. Though I stood alone in those negotiations, in the light of the development of the years since then I am far more proud of the compliment unintentionally paid by Pierce than that offered by you when, more than ten years ago, at the free silver convention, in the city of Fort Worth, you put your arm about me and said that I should be in congress.

In those days, because of your brilliancy, you caught my admiration; because of your eloquence I hung upon your words; because of your attainments I rejoiced in your career. But as the years have gone by, because of your service to an outlawed trust, because of your entanglements with predatory corporations while pretending to serve the people, because of your departure from the ancient ideals that made a Southern senator his people's pride, because you have forgotten the demand of the people for their public officials that a good name be chosen rather than great riches, I have become convinced that you should no longer hold a seat in the United States senate. In this open letter to you, in plain, but respectful speech, I shall declare the reasons for the faith that is in me.

WHY BAILEY MISSED A TRAIN.

First—I charge that your real purpose in your sudden and unexpected return to Texas, after having left Texas for Washington city, was to serve the Waters-Pierce Oil company.

I am prepared to substantiate the following facts, which you will not deny: That at the close of the contest between yourself and Senator Chilton you left your home at Gainesville, April 24, 1900, the press announcing to resume your duties at Washington; that you did not go to Washington, but stopped midway at St. Louis, registered at the Planters hotel; that the reason for your failure to reach Washington, as announced in a special therefrom to the Texas press of April 27, was that "Bailey missed a train"; that in St. Louis you met and conferred with H. Clay Pierce with reference to his troubles in Texas; that you tarried for several days and started back to Texas; that you reached Austin on the morning of May 1, 1900, and the three [Bailey, Pierce and Johnson] registered together at the same hotel; that in a dispatch in the Dallas News of the following day your arrival is noted, but that you refused to talk to reporters; that a dispatch in the same paper of May 3, from Washington, states that the announcement that Bailey had "turned up" in Austin was read with "much surprise" in Washington; that after your conference at the capitol with the

attorney-general and secretary of state you left Austin with Pierce and Johnson for Waco, arrived in the morning of May 2, and again registered together at the same hotel; that you spent that day in conference with them and for them seeking to get rid of the Waters-Pierce oil litigation at Waco; that you and they, on that night, left the city as noiselessly as you came; that with your whereabouts unknown in the meantime you did not reach Washington until May 10, and expressed regret that you did not get to attend the funeral of Hon. David B. Culberson, who had died at Jefferson May 7, with no mention about your participation in behalf of Pierce in his Texas difficulties.

Now, if your return was in answer to a telegram, as you state, received at Parsons, Kan., why go on to St. Louis to get back to Texas? Or, if the call was so imperative that you should come to Texas to look after matters political, why dally in St. Louis so many days? And if your purpose was an open one—and you always fight in the open—why refuse to talk to reporters? And if, as a citizen and a senator, you were proud of your part in chaperoning Pierce back to Texas, as you have since declared, why did you then conceal your patriotic act from the people until I made the facts public at the Waco convention in August? And if, as you announced in your address before that convention, you just “happened to be in Texas,” how did it happen that you came with Pierce, stayed with Pierce, left with Pierce, and happened to have political troubles in the only two places where Pierce had court troubles?

PRACTICING INFLUENCE AT AUSTIN.

Second—I charge that in assisting the Waters-Pierce Oil company to come back to Texas, after being driven beyond our borders as an outlaw, you are a *particeps criminis* in the most colossal fraud ever perpetrated in the name of law on a confiding public.

In your Waco convention address you said boastfully: “I am proud to have brought the Waters-Pierce Oil company to the feet of the attorney-general of Texas.”

In your Greenville defense, you say apologetically: “I had no more to do with the actual re-admission of the company in this state than Senator Looney. I did not know when they organized the new one. I did not know when they applied for the permit to do business.” But I answer that you had more to do with the re-admission of that company than all the state senators and federal senators between the oceans; that, if you did not know when, you knew they applied for the permit, you did know that the new application would follow the dissolution of the old corporation as the night follows the day.

And how did they dissolve? The five directors and stockholders in the St. Louis office of the Waters-Pierce Oil company (you know where that is), met and passed this resolution: “Be it resolved that we be dissolved;” then copied verbatim the old charter; then filed a copy at Austin; the farce was completed and a proud commonwealth was left with an empty bag to hold. It was you who suggested this shuffle of charters in Missouri. It was you who officiated as the undertaker for the old and the wet-nurse for the new. It was you who manipulated as prestidigitator, the sleight-of-hand performance by which the outlaw came back without a change of clothes or name, that laughed at law, made a mockery of court, cheated the people of their victory.

But a little parallel may serve to point a moral. Ralph Burton was a senator from Kansas; Joseph Bailey was a senator-elect from Texas; the Rialto Grain company of Missouri, for violation of law, was denied the right to do business by the government at Washington. The Waters-Pierce Oil company, for violation of law, was denied the right to do business by the government at Austin. Burton used his influence for the Rialto Grain company with the postoffice department at Washington; Bailey used his influence for the Waters-Pierce Oil company with the attorney-general's department at Austin. Burton was indicted, tried and convicted; Bailey crowned king of Texas, can do no wrong. Burton, humiliated, disgraced, broken-hearted, protesting his innocence of wrong intent; Bailey, like the Pharisee of old, thanking God that he was not like other men, threatening a resolution of expulsion in the senate before Burton could resign. Burton, Republican, wears felon's garb; Bailey, Democrat, struts in a senator's toga.

And far-off Oregon had her Mitchell. He, too, was a senator. He, too, claimed

the right to practice law. He, too, had visions of the poorhouse in old age, then nearly three score and ten. Mitchell had a law partner in Portland; that partner had a friend who wanted patents to some government lands. That friend asked Mitchell's partner to ask Mitchell to use his influence with the department at Washington. Mitchell never forgot his friends; the patent issued; the government discovered fraud. Mitchell swore he got no fee, but he did all he did for his friend's friend. Mitchell was convicted as a criminal, because a federal statute prohibited senators and congressmen from "practicing influence" with the departments at Washington. What if Texas had such a statute? Or what if you had migrated to Oregon when you left Mississippi to go to congress? Has it come to pass that Southern states must pass criminal statutes to compel their senators to serve the people who elect them rather than special interests that pamper them?

PRACTICING INFLUENCE AT WACO.

Third—I charge that when you stood sponsor for the pretended dissolution of the Waters-Pierce Oil company you were further recreant to your high duties, because you thereby balked the state in its prosecutions of Pierce's company for civil penalties at Waco, blocked the officers of the state in their long contest with this trust marauder and defrauded the people of the state of the fruits of their victory, all but in their grasp.

Let the facts speak. At Greenville, where you assumed to review with great detail your entire connection with the Waters-Pierce Oil company imbroglio, you failed to mention the conspicuous service you rendered at Waco, May 2, 1900. After reviewing what you say you did at Austin but the day before, you add: "I then took the train. I went from there to Washington to resume my public duties." You forgot to add that you took the same train as Johnson and Pierce and private car, that you and Johnson and Pierce devoted the day to discussion and consultation over the Waco litigation. You remember the civil suit against the Waters-Pierce Oil company was for more than one hundred and five thousand dollars; that the action was based in part on the allegation that the defendant was a branch of the infamous Standard Oil company, with the story of whose shameless bribery and browbeating, fraud and perjury, corruption of courts and law-makers for a quarter of a century throughout the nation, you were familiar; that in addition the state alleged and was prepared to prove a system of cut-throat transactions throughout the state of Texas, destructive of competition in defiance of law. You remember the proposition made by Pierce and sanctioned by you of the pittance of ten thousand dollars; that I rejected the proposition as county attorney and in the conference among all hands at which you were present, stated my grounds as follows: (1) That I was opposed to the compromise of such suits on principle, but though so disposed in this case, the amount was entirely inadequate; (2) That the offer was further coupled with the proposition that the Waters-Pierce Oil company pay counsel associated with me for the state a fee for their service, which I thought improper; (3) That the proposition was coupled with the condition that the criminal case pending against Pierce be dismissed, which I firmly and steadily refused to do under any circumstances.

What became of the suits for penalties? In November, 1900, the district court dismissed the cause from the docket? Why? Because the defendant filed a plea in abatement. Containing what? An affidavit that the Waters-Pierce Oil company had dissolved? Yours. Who were you? The chosen champion of the people of Texas in their war against the trust.

And now mark these words further: I charge that you not only, by aiding and abetting in the fraudulent dissolution of the Waters-Pierce Oil company, defeated the recovery of our penalties, but that your influence was invoked by the defendant after you left for Washington to prevent steps looking to a collection of these penalties. I charge that immediately after the dissolution that when private counsel for the state then in Waco (you know what that was) made a threat to the attorney-general of the Waters-Pierce Oil company in Texas (you know who he is) that he would apply to the court for a receiver and claim that the property of the old was the same as the property of the new company (and you know they were), said general-attorney in

Texas requested the general counsel for the Waters-Pierce Oil company in St. Louis to communicate with you at Washington and have you use your personal influence with said private counsel for the state not to apply for said receivership and the receivership was never applied for. I further charge in this connection that confidential relations were sustained between yourself and the counsel for the Waters-Pierce Oil company during the summer of 1900, relative to its readmission into Texas. I await your denial.

WHY NOT STRIPES FOR PIERCE?

Fourth—I charge that when you came to Waco and suggested to me as county attorney the dismissal of the criminal indictment against H. Clay Pierce you forgot your fealty to Texas, and if not the hireling, as you deny, became the obsequious servant of the conscienceless commercial freebooter.

Again and again, on the stump, in the press and in the senate you have heralded as a remedy for violations of the anti-trust law to put the trust magnates in stripes. Why did you not practice then what you preach now? Why, in May, 1900, did you not come to Waco to prosecute rather than with a plea for Pierce?

Who was Pierce? He was then notorious as the consort of John D. Rockefeller. He originally sneaked into Texas under false pretenses as to the capital stock of his company to defraud the state of its honest taxes. He and his allies had formed a criminal conspiracy to parcel out the territory of this Republic, and, like conquering marauders of old, pillage the people. He and his agents were jointly indicted with the Standard Oil trustees as accomplices in crime by twelve good men of McLennan county, for twenty years of outrageous violations of our laws. He had been for four years a fugitive from justice, fighting extradition, defying a sovereign state, not daring to submit to trial, thereby confessing guilt. All the machinery of the state had been in motion to bring these respectable malefactors to justice. By my predecessor, J. W. Taylor, one of his employes had been tried and convicted, the case appealed and reversed. I had followed to the Federal courts four Texas agents, seeking to be released upon habeas corpus before Judge Charles Swayne, charged to have been sent from Florida to this jurisdiction by Standard Oil influence. I invited the co-operation of Attorney General Crane, who responded gallantly and ably. We fought the cases from Waco to Dallas, Swayne holding the law unconstitutional, and thence to Washington to the United States supreme court reversing Judge Swayne. I repeated former efforts to extradite the pious Rockefeller, the notorious H. H. Rogers, and Henry M. Flager, of Florida legislative fame. I was specially commissioned by Governor Sayers and in company with John W. Baker, sheriff of McLennan county, went to New York, seeking unsuccessfully to have Governor Roosevelt surrender the Standard Oil magnates to the Texas authorities. Under these circumstances, in the midst of these difficulties, conscious of the unequal struggle, I would have welcomed your sympathy and assistance. You came to Waco, not for the state clad in fighting armor, but, as you have said, interceding in behalf of H. Clay Pierce—the same Pierce who has of late distinguished dodging process servers; who was in hiding for days in his elaborate and luxurious quarters in the Waldorf-Astoria (where you always stop); who barely escaped in his famous car, with which you are familiar; who dallied for months between doctor's certificate and broken promises; who, when finally caught, was forced to confess that his company was but a tool of the Standard Oil company; who, by his own words, wrote himself a common, every-day perjurer, and who, in the years since David Francis' letter of introduction had confided to your care as agent, trustee or client, if you please, railroad interests amounting to many millions.

You swore at Austin: "I further told Pierce that unless he did intend to obey our laws it would be better for him not to come at all, because he would be driven out, and I would help to do it." Now, why don't you make good?

As he sought to deceive me when he solemnly declared in the city of Waco that his company had been divorced from the Standard Oil company; as he defrauded my state by filing a false affidavit, which he then and there knew was false, and has since confessed to be false, I want to see him put in the chain-gang for false swearing.

My services are at the disposal of the state. Are yours?

HEAR IN THE WRONG PLACE.

Fifth—I charge that no satisfactory explanation has ever been made by you to the people of Texas for your uncalled for, unwarranted, unsolicited interference with the officials of this state in the performance of their public duties.

From beginning to end, you acted with and for Pierce. Your service was not to the state, but to Pierce. What Pierce wanted, you wanted. Pierce sought re-admission, you aided in re-admission. Pierce made a proposition in the penalty suit; you advised the same proposition. Pierce wanted his criminal case dismissed; you would have been pleased to have it dismissed. The state had fought to drive Pierce out; you were seeking to bring Pierce back. The state had demanded the penalties provided by law; you stated you did not want to see his company mulcted. The state was trying to send Pierce to the penitentiary; you wanted "to spare Pierce the humiliation of a trial." The question that will not down is why this partiality for Pierce, whom you had not even known? If willing to have Pierce's indictment dismissed, why not dismiss the hairless Rockefeller's? If not Rockefeller, why favor Pierce? When you first mentioned an adjustment at Waco (and you were the first person who ever approached me on the subject) you stated you did so at the instance of David Francis. Before the Waco convention you explained that you obeyed the bidding of Francis because "his heart lay next to mine." All mankind know how in ancient times the "soul of Jonathan was knit to the soul of David." All Texas wants to know why the heart of our modern Joseph (not he who fled from Potiphar's wife) was knit to the heart of our modern David. You paraded at Greenville with great emotion the purchase of the Grapevine ranch, because a brother of Barney Gibbs befriended you as a bare faced boy back in Mississippi. But Gibbs did not help you buy of Francis; Francis was helping you buy of Gibbs. Tell the people the ties that bound you and Francis. Were they those of attorney and client? As you have represented him since in railroad complications involving millions did you represent him before? If so, where and when and in what capacity? Or is it possible the affinity was political? And if political, was it the Bryan animus of 1896 that made Francis bolt Bryan for Palmer and Buckner and caused you to sulk in your tent, not condescending to call the name of Bryan?

Again you grew indignant in your testimony before the legislative committee (and we would like to have a senator who does not have to be investigated every six years) because the name of another friend of yours was brought into the controversy. That friend whom you laud was Joseph Sibley of Pennsylvania, notoriously connected with the Standard Oil company interests. It was not the public but you and Gibbs, the parties to the land deal, who connected Sibley with the deal before the public ever knew the deal was brewing. The Dallas News of June 25, 1900, twenty-five days after the sham re-admission of the Waters-Pierce Oil company, contains this interview with Governor Gibbs: "I have contracted my Grapevine farm to Ex-Governor David R. Francis of Missouri, Hon. J. W. Bailey of Texas, and Congressman Joseph C. Sibley of Pennsylvania, because I got tired of farming after more or less experience in the business all my life."

The St. Louis Republic of June 25th, in a special from Dallas on the magnitude of the purchase, says: "Mr. Bailey makes the following statement as to how he happened to make this big land trade:

"Former Governor David R. Francis, of Missouri, and Congressman Joseph C. Sibley, of Pennsylvania are among my closest and most appreciative friends. Mr. Francis and Mr. Sibley have often urged me during the last five years to look more closely after my material interest and those of my family, even though I should have to retire from public life to do so. I have never had any absorbing desire to make money or accumulate property. The public service has had a strong fascination for me, and I believe I have been of some benefit to my country in that connection. But Mr. Sibley and Mr. Francis finally impressed me with their advice, and I told them plainly about Governor Gibbs' ranch, which he had suggested he would like to sell to me. I said to them: 'If you gentlemen are interested in my business welfare, buy me that farm, let me remit and pay you as I can.' They took me at my word and the

papers are all ready now for filing in the Dallas county court house. The deed will be placed on record tomorrow or next day. The consideration given Governor Gibbs is eighty thousand dollars in cash and twenty-one thousand acres of land on the Pecos river, about 500 miles west of Dallas. Messrs. Francis and Sibley allow me thirty years in which to pay the debt I owe them. I shall dispose of the interest I have in a stock farm near Lexington, Ky., and engage in raising blooded horses and grain crops out at Grapevine." To this the Republic adds the following "as Governor Francis' statement made last night:"

"I know that Mr. Bailey has purchased the farm, but I am not familiar with all the details of the purchase. Whatever Mr. Bailey says about them is undoubtedly correct. So far as any suggestion from Mr. Sibley and myself to Mr. Bailey is concerned, I think he is fully able to look out for himself, and would see a bargain as quickly as I or any other man would. However, it is a matter that Mr. Bailey can better tell about than anyone else."

On September 23rd, explanation being still in order, Governor Gibbs gave out another statement in which he said he had sold the Grapevine ranch "to Mr. Bailey for D. R. Francis." On January 15th, Governor Gibbs, in the Austin investigation in response to the question "Was this trade with Mr. Bailey?" on oath: "I traded with Mr. Francis."

First Bailey, Francis and Sibley bought it; then Bailey and Francis only own it; next Bailey was trading for Francis; afterwards Bailey claims it; finally none of them will have it.

I will not here insinuate that to associate your service with the Waters-Pierce Oil company through Francis and your possession the Grapevine ranch through Francis is logical; it is chronological.

CANNOT SERVE TWO MASTERS.

Sixth—I charge that you have departed from the standards set for themselves by an unbroken succession of Southern senators and abandoned your own earlier ideals of the duties and opportunities of a conscientious public servant.

During your senatorial contest six years ago, I heard you declare that, should you die there would be "no meal in the barrel" for Mrs. Bailey and the boys, but instead you hoped to leave to them as a richer heritage an unsullied name.

Before the legislative committee a few months later, in explaining your purchase of the Grapevine ranch, making a cash payment of \$4,000, assuming a debt of \$76,000 on thirty years' time, over the advice of your good friends, you said: "Ordinarily I should have followed their advice; but knowing that as an honest man I could make nothing in the public service, my only hope of a modest competence to protect me against an old age of poverty and want was that I could find some transaction like this and by careful management save something out of it."

Verily, verily, I say unto you, times change and men change with them.

In your Greenville address this appeal brought applause: "My countrymen, when I work over half the time for you at \$5,000 a year, don't you think I ought to be permitted to work the other half of my time for Mrs. Bailey and the boys?" There was a time when your strict standard of public duty was that you contended that congressmen should be docked their per diem for absent days. Now you advance the right to draw full pay from the government for all your time, and work for the government but half the time.

To illustrate how a little leaven may leaven the whole lump, in May, 1900, when the final vote was taken in congress on the Nicaragua canal, the cherished dream of Southern people and the nightmare of the transcontinental railroads, instead of standing at your post of duty in Washington, you were a thousand miles away, in company with H. Clay Pierce, with your heads together, hatching a scheme which the attorney-general of the state recently charged, in a suit now to undo what you did then, to have been a fraudulent conspiracy against your state. Since that day fears of the poorhouse have vanished. Your ability as a lawyer has attained recognition. Your light is no longer hidden under a bushel. Fabulous fees have poured into your lap, though never appearing in a courthouse except to make a political speech. Pray tell us the

get-rich-quick scheme by which, in six years, the empty meal barrel becomes a money barrel.

From the full barrel has sprung a few leaks; this is one. The Security Oil company is organized at Beaumont; you live at Gainesville; Beaumont has good lawyers; a Gainesville lawyer is selected to draw the charter; you are the Gainesville lawyer; the ordinary fee is from \$50 to \$100; you are paid \$5,000. The attorney-general of Texas, in the suit pending against the Waters-Pierce Oil company charges that the Security Oil company is owned and controlled by the Standard Oil company. The attorney-general of Texas has announced to the people of Texas that his *petition* contains no charges he cannot sustain. What is the milk in the cocoanut?

The State has grappled with three great monopolies since you become a senator. It brought an unsuccessful suit against the Kirby Lumber company, resulting in a state scandal; you turn up as attorney for that company. It drove the Anheuser-Busch Brewing association from our borders; you turn up as attorney for that Adolphus Bush, one of its chief owners. It banished the Waters-Pierce Oil company, you turn up as attorney for H. Clay Pierce. In Heaven's name, tell the people who else you represent. Not a lawyer in Texas, if his good name be assailed, but will open his books, disclose his every client, give the amount of his every fee, and state in detail what you have yet failed to state, the exact nature of his services that the people may know whether or not the laborer be worthy of his hire.

Rhode Island has her Aldrich, representing Standard Oil; Pennsylvania has her Knox, representing United States steel interest; New York has her Depew, representing the Vanderbilts, and driven into exile because of life insurance retainers. I pray that Texas, as in the past, may be spared such as these. Coke attained the supreme bench; in the senate he never had a corporation client. Reagan served sixty years in many stations; his most enduring monument is that he died poor. Mills fought the tariff barrons twenty years; he never became entangled in their nets. Chilton, whom you unhorsed, was a brilliant lawyer before he became senator; in the senate he had no clients but the people of Texas. Culberson, your colleague, would ornament any assemblage of lawyers in the land; the whisper of corporate influence never touched his name. Hogg put aside senatorial ambitions; he believed as you once believed that as an honest man he could make nothing in the public service.

Differing with all these, you say you can without conflict serve your clients and the State; I answer you can as easily ride two horses racing in different directions at the same time. You say you will gather gold by every wile that is justified by honor; I answer that it is easier for a camel to go through the eye of a needle than for your heart to be in sympathy with the heart-beats of those who toil, while prospering amid the smiles and wiles of the frenzied financiers. You say that your rich retainers from interests with which the people are at war never reach your judgment: I answer that as it is true "the ox knoweth his owner and the ass his master's crib," a United States senator knows on which side his bread is buttered. Under which flag, Benzonian?

DEMANDS OPEN FIELD AND FAIR FIGHT.

In conclusion, you run to cover by charging that criticisms of you are an assault on the Democratic party. We answer that following the demands of William J. Bryan, to relegate from leadership corporation hirelings, we are set about to purge the Democratic party. You charge that these attacks are inspired by William Randolph Hearst, because forsooth, you stood in the pathway of his ambition. We answer with as much of proof that your abuse of him is because he has dared to brand you as a corporation lackey, and stood in the way of your ambition. You spread the report that Hearst would spend a million dollars to defeat your return to the senate. We answer that the only money yet shown he has ever sent to Texas was when out of his abundance, by special train, across the continent, he sped provisions and stores to succor the stricken Galveston in the hour of her desolation. You say this crusade is the work of a coterie of sorehead politicians. We answer that back of the politicians and partisan press rushing to your support, is an uprising of the people, born of distrust in your fidelity to the people's service. You boast that you will make your opponents rue the hour they were born. We answer, better never to have been born in a land of free

speech than to be awed into silence by one who would coin the influence gained by the confidence of the people into gold for himself. You threaten to drive your detractors into the Gulf of Mexico. We answer that, should you succeed, you will have shut up the stores, closed the banks, silenced the forges and depopulated the farms of tens of thousands of honest men throughout Texas, who in former days delighted to cheer their idol's name. You say that a Texas legislature investigated and endorsed you six years ago. We answer that you are welcome to that coat of whitewash, and we appeal from the legislature of 1901 to the legislature of 1907. You offer the legislative vote of six years ago and the convention vote of two months ago as an answer in bar of the present charges. We answer to the former that it is like unto a plea of limitation in a civil suit to defeat an honest debt, and to the latter that it is like unto the plea of former jeopardy in a criminal case, with newly discovered evidence offered by the state to whip the ends of justice.

We invite you to submit those issues to the great forum of the people. We challenge you to throw down the bars; release members of the legislature from their instructions; hand back the nomination to the Democratic party; join in an appeal to the county and state executive committees; give us an open field and a fair fight; then let the race be to the swift and the battle to the strong.

Yours respectfully,

CULLEN F. THOMAS.

THE STRANGE STORY OF DR. JEKYLL AND MR. HYDE.—BAILEY IN HIS DUAL CHARACTER.

BY HON. CULLEN F. THOMAS.

Dallas, Texas, December 13th (Times-Herald, Dec. 14th), 1906.

Mr. Thomas was received with enthusiastic applause. His introductory remarks were as follows:

"I am glad to greet this representative audience of the great metropolis of Texas. I strike hands with you tonight in a common cause—that of civic righteousness and good government. You and I have read the strange story of Dr. Jekyll and Mr. Hyde. (Laughter.) It represents the dual nature of Man. It represents the warfare in the life of every individual between the tendencies to do good and the temptations to do evil. Dr. Jekyll was a distinguished member of his profession. He discovered a secret drug which when administered suppressed the good and developed the bad. Dr. Jekyll as he went out and in among men, had the manners of a gentleman. Mr. Hyde under the influence of this mysterious drug, was possessed of the demeanor of a boor. Dr. Jekyll as he walked among his fellows possessed their respect and admiration. Mr. Hyde as he slunk away from the haunts of men possessed and deserved their contempt and condemnation. Dr. Jekyll in the day-time stood above reproach in the world. Mr. Hyde in the night-time stooped to the commission of the lowest crime. This wonderful story, perhaps, you have seen presented on the stage.

PLAY ON POLITICAL STAGE.

"On the political stage of Texas there is being enacted the strange story in real life of Dr. Jekyll and Mr. Hyde. (Applause.) Dr. Jekyll, in eloquent and plausible speech, receives from the plain people their applause and hurrahs. Mr. Hyde, in the counting room and councils of the money lords, is patted by them upon the back. Dr. Jekyll, with a tongue that Anthony might well envy, inveighs against the depredations of the trusts. Mr. Hyde becomes the pampered pet of the trusts. Dr. Jekyll advocates on the hustings and in the Senate hall that trust magnates be placed in stripes.

THE MR. HYDE ROLE.

"Mr. Hyde leaves his post of duty and comes back to Texas to plead that the trust magnate be relieved of stripes. Dr. Jekyll, in his place as a Senator, places or seeks to place the oil pipe lines under the supervision of the interstate railroad commission. Mr. Hyde comes back among his people as a servile tool of the Standard Oil company. Dr. Jekyll boasts that in the Senate he would curb the encroachments of railway corporations. Mr. Hyde goes from Texas to the frenzied financiers of Wall Street with

the power of attorney for the railway corporations in his pocket. Dr. Jekyll, with the voice of a Pharisee, thanks God that he is not as other Senators are and from his place in the American Senate moves the expulsion of Senator Burton from that body. (Applause.)

PEPPERING HIS HIDE.

"Time at last has torn from the face of Dr. Jekyll its mask. I have come tonight at your bidding to lay bare the features and expose the footprints of Mr. Hyde, and you will pardon me if now and then I pepper his hide. (Applause and laughter.) And as the public press reports that in spite of criticism and condemnation he yet remains cool, calm and serene, I think when we lift his hide you will find it to be a rhinoceros hide. (Laughter.) As he referred in pleasantry to myself who dared to oppose him, as a snowbird, I answer him, I had rather be a snowbird that does not harm than a bird of prey that seeks to devour."

BAILEY EMBODIES THE BAD OF BOTH ESAU AND JACOB.

BY HON. CULLEN F. THOMAS.

At the Ft. Worth Anti-Baileyism rally on March 14th, succeeding the Waco Convention of March 7th, 1908, Hon. Cone Johnson of Tyler and Hon. Cullen F. Thomas of Waco delivered stirring addresses. The latter began his remarks with the following scriptural allusion:

"We read in the sacred Scripture of a great and good man whose name was Isaac. In answer to his prayers Rebecca blessed him with twin sons, one of whom was Esau and the other Jacob. Esau was a hairy man, Jacob was a smooth man. When Isaac had grown old and his eyes became dimmed, he sent Esau, the hunter, forth for his favorite venison, promising on the son's return, the patriarch's blessing. Jacob, the smooth man, contrived by deceit and fraud, with the skins of goats and kids on neck and hands, to win his father's blessing, which was the rulership over his people. In blindness Isaac left those words which have lived through the centuries to illustrate the dual role of him who plays a double part, that though the voice was Jacob's voice, the hands were the hands of Esau.

"My fellow-citizens, history repeats itself. In Texas today there is one who aspires to rule over this people who has sought their suffrage speaking with the voice of Jacob, but who has sought special favors from their enemies with the hands of Esau. (Applause.) With the voice of Jacob on the hustings he championed the cause of the struggling poor; with the hands of Esau we have found him in the secret service of the money barons that rob the struggling poor. With the voice of Jacob, as a candidate for the Senate, you hear him proclaim with pride his empty meal barrel. With the hands of Esau after he has entered the Senate you find him filling to overflowing his full money barrel. With the voice of Jacob he has called upon the State to put the trust magnates in stripes; with the hands of Esau he has slipped back to this State the greatest trust of all.

"With Jacob's voice we hear him as he denounces the iniquities of the trusts and the exactions of the monopolies; with the hands of Esau we see him behind the scenes juggling charters for the benefit of trusts and monopolies. In the voice of Jacob we hear him, as he struts throughout the land proclaiming himself a ruler of the people; with the process of years we have found that his were the hands of Esau growing rich in the service of the enemies of the people. We pray today to the God of Isaac to strike the scales from the blind eyes of the people that they may see back of the voice of Jacob is the face of a Pharisee and underneath that the hands of Esau. (Applause.)

"My fellow-citizens, they have told us that we have got into a stronghold of Baileyism—A Voice: That's what you have.

Mr. Thomas: Then we are glad, my friends, not only to encourage the righteous but to call sinners to repentance. (Cheers.) They tell us that we have opened our campaign in the enemy's country. We answer that there is no soil in Texas so sacred that we can not come bearing aloft our standard, on which is written that no man shall serve two masters. (Cheers). The State Health Officer has designated clean-up days in this State. This, my friends, is Clean-Up Day in Ft. Worth. (Applause.)

CHAPTER XXXVII.

ADDRESS TO THE DEMOCRACY OF TEXAS.

(By Joseph E. Cockrell.)

JOSEPH W. BAILEY:

OF WHOM IS HE THE SERVANT? HIMSELF, THE INTERESTS OR THE PEOPLE.

The following address to the Democracy of Texas was prepared and issued by Honorable Joseph E. Cockrell, of Dallas, Texas, formerly a practicing attorney of Abilene, Texas. Mr. Cockrell is a son of ex-Senator Cockrell of the Abilene district. The elder Cockrell remained a loyal supporter of Senator Bailey for some time after his son had abandoned the Senator's standard. When Senator Bailey and his friends, however, opposed an investigation, the ex-Congressman could not bear with him longer and issued a public statement, which concluded with an expression of the opinion that the late revelations and Senator Bailey's conduct with reference thereto make him "the most dangerous man in public life."

The author of the following address has been a life-long Democrat, is a successful lawyer, has been prominent in the Democratic organization in the state, and was one of the volunteer counsel who assisted the proponent of the charges before the Suppression Committee of 1907.

The address in question follows:

Dallas, Texas, November 1, 1906.

TO THE DEMOCRACY OF TEXAS:

Nearly a century ago Thomas Jefferson, speaking with prophetic inspiration, said: "It seems to me that in proportion as commercial avarice and corruption advance on us from the North and East, the principles of free government are to retire to the agricultural States of the South and West, as their last asylum and bulwark." Is the Democracy of Texas going to surrender this "last asylum and bulwark?" Texas ought to be the last State in the Union to yield politically to the spirit of commercialism. Do the people of Texas consider the office of United States Senator a position of honor and trust, or as a stepping stone to wealth for the incumbent? Is it ever too late, or inexpedient, or wrong, to do right? The relation of Senator Bailey to various corporations while representing Texas in the United States Senate, his expressed purpose to pursue the same course in the future, and his claim that he is the nominee of the party for re-election, suggest these inquiries. No man can serve two masters. The rights of the masses are antagonistic to the interest of the classes owning the corporate wealth of the country. Senator Bailey cannot properly at the same time represent them and Texas. If he is to champion them he ought to abdicate leadership of the Democracy. There are and will ever be but two great political parties with us regardless of changing names. And there has been always and ever will be an irrespressible, an unceasing conflict between individual rights, that is the rights of the people and the interests opposed to these rights, regardless of the names or form of such opposing power, whether it be the government itself as a despotism, an aristocracy or an oligarchy of wealth, or whether it take the form of government favored corporations or other protected interests or aggregations of wealth. The opposing power is always strong, because concentrated; the people weak, because divided and without organization. The Democratic party has but one excuse for existence—to maintain and establish the rights of the people and to limit the rights of the government to the exercise of such power only as is necessary to secure the governed in life, liberty, property and the pursuit of happiness and to guarantee "equal rights to all, special privileges to none." All the law of democracy is fulfilled in this central idea. It is not my purpose to elaborate upon its principles but only to remind you of this fundamental idea as the basis for the contentions I shall make. The concentration of wealth and the growth of corporate power are the result of "special privileges" which the few have obtained at the expense of the many, and every form of corporate aggrandizement and every moneyed combination is in its nature a seeker after special privileges. The Democratic party under another name was born at the

formation of our constitution for the purpose of protecting and safeguarding the rights the people had reserved to themselves in that instrument and to limit the powers of the central government to an exercise of the authority only which had been expressly conferred upon it. The Federalist, now Republican party contended at the beginning for more power for the central government and the privileged classes. There has never been one moment's cessation of the conflict. The Republican party has always been the friend, the Democratic party the enemy of every form of assault on the rights of the great body of the people. In proportion as the principles of the Republican party have triumphed, the rights of the masses have been encroached upon and the influence and power of the classes represented by the corporations, trusts, and organizations of wealth have grown. Therefore the control and regulation of the great corporations and trusts have become pre-eminently the recognized duty of the Democratic party. The greatest of these corporate interests are engaged in interstate commerce and subject to regulation and control by the National Congress only. Bearing in mind these facts, the main issue I desire to submit for your consideration is, as to whether it is proper, or even allowable, for one of the Senators representing you in the United States Congress to sell his services as a lawyer or otherwise to the corporations which you commission him to regulate and control? To state the issue in the borrowed words of another who expresses himself with more facility and force than I am able to command, I ask: "Do we as Democrats of Texas believe that we have fallen so low as to elect a Senator who sells his services to the corporations?" You will observe that the issue as quoted from another is a little broader than I myself put it, as he questioned the right of a Senator to sell his services to any corporation, while my statement of it was limited to corporations, which as a member of the United States Congress such Senator might be called upon to regulate and control. Regardless of the form of words in which it is presented, it may be said to the honor of our State that such issue is presented for the first time by the conduct of the Junior Senator from Texas. That same Junior Senator from Texas is also the distinguished authority from whom I borrowed the words quoted: "Do we as Democrats of Texas believe that we have fallen so low as to elect a Senator who sells his services to the corporations?" He replied to his own question, "I do not believe the time will ever come when Texas will make that mistake." It would seem that there ought to be no room for contention between the Junior Senator and myself. The only difference between us is, that his were the views expressed by him six years ago, while mine relate to the present, to the past and all the future. Has he changed his views because he deems that there is less necessity now than at a former time to rule corporations and trusts with a strong hand? Whatever may be his present views, it is plain that the proper and wise regulation of common carriers is the great economic question of the age—so strong indeed have they become that the power of the government to control or regulate them at all is seriously disputed, and already there are murmurings of the necessity for the government to own them in order that it may not be owned by them. The success of the Democracy in their efforts to master them will perhaps determine its policy for all time—as to whether it shall contend that the government regulate and control, or own them.

Next in importance to the railroads is the Standard Oil Company and its subsidiary corporations. These constitute the most gigantic trust, the most dangerous combination of wealth and corrupt owners of wealth in the world's history. The lumber trust is one to which you need no introduction as it intrudes itself into every city, hamlet and farm in the Union. Senator Bailey is or has been while representing you as Senator in the United States Congress a paid or volunteer representative of a syndicate controlling a railroad engaged in interstate commerce; a representative of Mr. Pierce of the Waters-Pierce Oil Company, one of the Standard Oil subsidiary corporations; he has been a representative of Mr. Bayne, a Standard Oil magnate, and of the Kirby Lumber Company, the greatest lumber corporation of Texas. Thus he represents or has represented while Senator as odious a combination of corporation as could well be drawn together. Now only has he represented them in the past, but he expresses his purpose to hereafter take employment from such syndicates and individuals, and intimates that if you do not like his course, you will have to get you a new Senator. We shall see a little later whether he gives you a fair opportunity to take up the

gauntlet which, with a spirit of braggadocio, he almost threatens to, but never does, throw at your feet. The only difficulty I have ever experienced in discussing the issue which his conduct presents is its one-sidedness. It would seem that a mere statement of the proposition that in a conflict between the hosts of Democracy on the one side and the myrmidons of trusts and corporations on the other, our soldiers ought not to be either permanently or occasionally on the payroll of the enemy should carry conviction of its correctness. Senator Bailey's public utterances all demonstrate to my mind that he, too, recognizes but one side to the controversy, because in addition to the convictions which he formerly gave expression to, he furnishes now irrefutable arguments against the correctness of his own attitude, and when he abandons all pretense at argument and indulges in coarse and undignified vituperation, he but confirms the most skeptic in the view that he himself appreciates the embarrassment and indefensibility of his position. It is unfortunate for the cause of those who complain of Senator Bailey's position and who rely upon his reason, argument and the facts furnished by the Senator himself, to make manifest their contention, that from time to time unsustained charges have been brought forward by the denial of which the Senator has been able through his consummate skill as a debater and by his almost matchless oratory to divert the attention of the people from the real issue. These unsustained charges, however false they may be, are, however, an invariable accompaniment of every controversy of the character in which the Senator has involved himself, and even with reference to them he must share his part of the blame; for one of the evil consequences of doing the things the Senator admits he has done is that he will be freely charged with much of which he may be innocent. I have no sympathy with false accusations. I deplore the unwisdom of making unsustained charges; his admitted errors are quite sufficient to occupy us at this time.

In the presentation of the case against him I shall call no witness except the Senator himself, and shall make him also furnish the arguments which ought in the mind of every fair man to convict him of political wrong-doing. Do not permit him to divert attention from the plain issue as to the correctness and propriety of his conduct by high-sounding, rhetorical phrases whereby he seeks to make it appear that his personal enemies are endeavoring to destroy him because he stands in the pathway of their ambitions. The transcendent abilities which he himself admits he possesses would, were his record on the matter at issue above question, deter the ambitious from assault on him. They would choose a less shining light with more hope of success. No such assaults were made on his distinguished predecessors, Maxey, Coke, Mills, Reagan, Chilton or his colleague. Only Senator Bailey is responsible for the attacks made on Senator Bailey, and he has only himself to reproach. In his Greenville speech, in a climax of eloquence, he exclaimed: "It is the glory of our commonwealth that in all its long and glorious history not one of them (his predecessors) has ever sacrificed his country to his selfishness, and I am pained that I am almost the first one ever accused of doing so." Is not that fact alone enough to cause the Senator to stop and ponder? Can he draw no moral when others can see so plainly? Had he not in a spirit of vain glorious officiousness so manipulated things that when the Waters-Pierce Oil Company, a branch of the Standard Oil Company, had been driven ignominiously from the State for the violation of our anti-trust laws it was enabled to disguise itself with a thin veil of fraud and continue almost uninterruptedly to trample on the laws of his State; had he not made merchandise of his talents by his confessed dealings with the Tennessee Central Railroad and its coal properties; had he not been tempted by the gold of Kirby and the lumber interests; had he spurned the temptation of Bayne and his Standard Oil Company; had he turned a deaf ear to the seductive whispering of the reputed trust magnate, Sibley, and the ill-reputed Francis when they affectionately laid their hands on his shoulder and said, "Put money in thy purse;" had he not consorted with Pierce and his ilk and formed "connections" by which he could make a lawyer's fee of \$225,000 out of Kirby, for what services we know not; had he not forgotten the convictions that he entertained when he entered upon his high office with reference to "a Senator who sells his services to corporations," he would not now bewail the fact that he is the first of our Senators against whom charges are made that reflect not only on him, but the State which we all love. He should have remembered that

as long as he is our Senator, all the people are interested in all that he does, and that whatever brings disrepute upon him brings it upon his State. He owed it to us to conduct himself that he would be as free from reproach as Caesar's wife ought to have been. In Colonel Campbells' speech a few days ago in the presence of Senator Bailey, our candidate for Governor reiterated his well-known views that a member of the Federal Congress should not represent "as attorney any trust or public service corporation," and in effect called upon the Junior Senator to affirm the correctness of his position, which the Junior Senator did to his own condemnation, if I know the meaning of the English language. Does not Senator Bailey admit that he represented as attorney the syndicate controlling and operating the Tennessee Railroad and coal properties, and that he as attorney had taken charge of its affairs made his recommendations to his clients as to extending its mileage, the policy to be pursued, etc? Is not a railroad a public service corporation, and was not Bailey representing the railroad? He cannot escape by the subterfuge that he was representing the syndicate who owned the railroad and not the railroad. If this would excuse the Senator, it could never be proved that any one represented a railroad, and we would be a lot of Don Quixotes fighting phantoms. Senator Bailey and his friends insult the intelligence of the people of Texas by even attempting such hairsplitting distinctions, and instead of satisfying themselves or any one else by such argument, they do but demonstrate that they realize the desperateness of his situation. Mr. Bailey admits his employment as attorney by Mr. Kirby of the great Texas lumber interests, and the receipt of an enormous fee of, I think, \$225,000 for services performed by him, as I understand his explanation, between the adjournment of the Senate one Friday and its opening the following Monday. He admits his employment by Mr. Bayne of the Standard Oil Company to draw for a fee of \$5,000.00, a mortgage and the charter of the Securities Oil Company generally reputed to be a Standard Oil subsidiary corporation. He says that in doing all these things he was "practicing law." He ought to pardon the bar of Texas if a smile passes over its face. Mr. Bailey's capacity to make a lawyer of himself has never been doubted; that he ever did do so has rarely been claimed by even his most intimate friends. But was he in all these acts "practicing law," the drawing of the charter alone excepted? Before what court or what judge or what jury did he appear? Before what master in chancery or referee? What pleading did he ever file in any case of his preparation? What lawyer in Texas or out of it can point to any case in the Supreme Court, Court of Civil Appeals, Court of Criminal Appeals, or Federal court, in which he ever appeared or filed a brief of his individual preparation? I do not say there are none, but they are probably few, if any. I dare say he has not paid a lawyer's occupation tax, he would easily defeat the case on the ground that no proof could be offered that he has practiced law. He boasts that he has twice been offered a \$50,000 salary to retire from the Senate and enter the practice of law. Why should \$50,000 a year tempt him, if, while Senator, he can make \$100,000 a year? If Senator Bailey's claim to eminence as a lawyer were confined to constitutional law, his brethren of the bar would cheerfully accord to him first rank, and there would be no jealousy. I believe the profession is singularly free from that character of envy. The Senator is, beyond question, an accomplished student of the constitution and of political history, and no one better than he understands the decisions of the highest courts bearing on these questions.

Even conceding, however, that Senator Bailey has been "practicing law," the compensation which he has received for the services performed by him for the individuals and corporations to which I have referred is so generous and the peculiarities of his employment were such that he has felt himself called upon to explain why he was employed and why such enormous fees were paid. He tells us that his employment by Bayne to draw the charter for the Securities Oil Company was the most natural thing in the world. That Bayne wanting to organize a Texas corporation, wanted a Texas lawyer; that a New Yorker who has business in Texas naturally wants a Texas lawyer. But if that be true, what is the explanation as to why Kirby when he had New York business did not want a New York lawyer? Why is it that when Pierce and his syndicate at St. Louis wanted legal business transacted in Tennessee they did not want a Tennessee lawyer? That is the trouble about Senator Bailey and his explana-

tions. Every time he makes an explanation, it requires two explanations to explain that explanation. But explain he must. He is in a desert of political quicksand. If he stops he will at once be submerged, yet every step he takes but exhausts him more without giving a ray of hope of final extrication. I do not charge that Senator Bailey suspected that any thing was expected of him for these enormous fees other than his legal services. His inordinate (but always excusable) vanity is corroborative of this idea. But what did the "other fellow" have in mind in paying these fees? Will any one believe that Kirby overlooked the eminent Houston bar and went in search of Bailey as a lawyer to protect New York business? That Bayne was simply in search of legal ability when he searched Bailey out and paid him a fee of \$5,000.00 for doing what his home lawyer would have done on his annual retainer or what a Beaumont lawyer would have done for less than \$500.00? Did Pierce and his gang forget that St. Louis has a famous bar and that some of the greatest lawyers in the Union live over in old Tennessee? Would they have paid him \$50,000 or more as an attorney's fee to protect legal business in Tennessee when they knew that he was already hired out to the people of Texas on a job that required his presence at Washington? Bailey thought he was hiring himself out as a lawyer. May not the "other fellow" have thought that a lawyer who was a United States Senator might have an incidental value as well as legal ability? You remember a few months ago, a saloonkeeper in Texas was indicted for violations of the Sunday law by selling beer on Sunday. His defense was, in effect, that he sold no beer at all; that he merely sold a sandwich for five cents and that the beer was given as an incident to the sale of the bread and was itself not sold at all. You will remember also that that defense came very near being established as a good one. But I recall the incident not to discuss the merits of the defense, but to illustrate the situation of Mr. Bailey and the corporate interest with which he was dealing. He simply sold his services as a lawyer—that was the sandwich; the fact that he was a Senator—the beer—was only incidental; this was the viewpoint of Bailey, the seller. You can draw your own conclusion, however, as to what the buyer wanted. I think I have sufficiently illustrated the nature of the employment of Mr. Bailey by the individuals and corporations in question.

I will now ask whether the services he performed without any fee are more creditable to him than those he performed for hire? He scorns the idea that he would have accepted a fee for his services to Mr. Pierce in procuring the readmission of the Waters-Pierce Oil Company to Texas after it had been expelled for the violation of the anti-trust statutes. In view of the employment and the character of service that he admits he performed for fees, I do not altogether grasp the distinction that he would draw between working for Pierce on a fee to get the Waters-Pierce Oil Company admitted back into the State and the other services performed by him for pay. I, however, do thoroughly agree with him when he argues that it would have been improper for him to have accepted a fee from Pierce or the Waters-Pierce Oil Company for the services he performed. Not only would it have been improper to have accepted a fee for such services, but it was improper to perform the services without fee. He recognizes his error when he undertakes to evade responsibility for the readmission of the company. It had been notorious for years that the Standard Oil Company was operating in Texas under the name of the Waters-Pierce Oil Company, and yet the assurance of Mr. Francis to Mr. Bailey that Pierce was all right and the assurance of Mr. Pierce to Mr. Bailey that the Waters-Pierce Oil Company was all right were sufficient to deceive Mr. Bailey into the belief that it was all a mistake about the Waters-Pierce Oil Company. And in whatever he did, Mr. Bailey declares that he was deceived and misled by Mr. Pierce, and he argues, with some plausibility, that gullibility is an attribute of an honest mind; but he has never been classed as particularly unsophisticated. Mr. Bailey is quick to anger, and yet he has had six years to get angry with Mr. Pierce and continues to control his hot temper and does not even so much as call him a "hyena." He even uses Mr. Pierce's late letter to him to show that he, Pierce, had deceived Bailey, and thereby caused Bailey to deceive the people of his State who had trusted him. The Senator's temper and his indignation are evidently sometimes controllable. But he tells us in effect that he was not much responsible for the Waters-Pierce Oil Company coming back, anyhow. In

his Greenville speech, in his endeavor to escape responsibility for its readmission, he makes the statement. "I had no more to do with the actual readmission of that company in this State than Senator Looney;" Senator Looney, of course, had nothing to do with it. Having so much explaining to do, it is not a matter of surprise that all of Senator Bailey's explanations are not entirely consistent. Is it not a fact, that at the famous Waco convention, with great bravado, he stated in effect, referring to the readmission of the Waters-Pierce Oil Company: "It was I that did it; don't blame Tom Smith; don't blame Hardy; if you blame anybody, blame me?" I have not the speech before me and have not had it in years, but I think I am not mistaken in saying that he assumed the whole responsibility. Why does he now say that he had no more to do with it than Looney, and then denounce in his choice vernacular those who charge him with the responsibility? He admits now that the whole reorganization scheme was his, and that his advice was followed and readmission gained in consequence of his device. Of what materiality is it, as to who attended to the details of the reorganization, or as to whether the Senator was present when the company made its bow to the people of Texas upon its return? In his letter to the Attorney General of August, 1901, he, however, seems to recognize his "connection with the readmission of this company into the State." How does that accord with his contention that he had no more to do with it than Senator Looney?

But notwithstanding the relations in which he had involved himself with these people and their interests, and notwithstanding employment of the character referred to, they never influenced his official action, is Mr. Bailey's contention. That statement implies that his ability to withstand the influences has been put to the test, and that he has withstood the temptation; for had the test not already been made his boast would have been premature. But when he admits that he has been thus tested, is not his attitude a humiliating one to himself as well as to his State? He really does not seem to comprehend how his own arguments involve him in inextricable difficulties. Translated into plain English, it means that while a United States Senator he accepted employment from public service corporations and from clients (not to say trusts) which not only were likely to have interests upon which he would be called to pass in his official capacity, but that they did actually have their interests passed upon by the National Congress of which he was a member, and where he was in the attitude of having the interests of his clients upon the left hand and the interests of his people on the right hand. He boastfully tells you in order to prove his incorruptibility that the interests of the Tennessee railroad, of the coal properties, of Kirby and his lumber possessions were before Congress and that he spoke and voted for the interests of the people, and against the interests of his clients? What right had he thus to have before him for consideration interests other than yours?

The rate bill was the measure to which he refers, and he reveals the amendments he offered in your interest and in opposition to the interests of his clients. Conceding the Senator's integrity let us see if his situation was not such that even he might have found himself in a very delicate and trying position. To illustrate, even the friends of a bill frequently defeat it, kill it, we say, by unwisely loading it with amendments—good amendments. Its enemies likewise frequently kill it by loading it with radical amendments, which apparently enlarge the scope of the bill, but which they know and intend shall kill the bill if adopted. Experienced legislators who are the true friends of a measure most frequently accept a bill that does not accomplish the whole purpose in view rather than take the chance of losing all by submitting amendments that would perfect it. Sometimes it is very difficult to determine whether it is wise or unwise to submit such amendment. If it can be put through it perfects the bill; if it fails the whole measure fails. Now suppose Mr. Bailey had drafted an amendment clearly desirable from the standpoint of his constituents, but onerous from the standpoint of his clients. If he submits it the whole measure may be defeated which will greatly benefit his clients; if he withholds it the imperfect bill will pass, and while that will still injuriously affect his clients, it suits them better than the amended bill. He is in a state of perplexity. He fears to offer the amendment lest he kill the bill and thereby benefit his clients and hurt the people. He fears to withhold it lest it appear

that the imperfect bill, less odious to his clients, is also less beneficial to the people. Mental processes are very complex. We can't always analyze correctly the main-springs of our own actions, even in ordinary business transactions. We frequently hesitate as to the best course to pursue and in the end do not know which of many complicated motives finally influences us to a certain conclusion. Even great minds are not always certain as the motives that influence them. I call Senator Bailey as my witness, as I will always do. He does not clearly comprehend the motives that led him to make so important a business transaction as the purchase of the Gibbs ranch. I quote from his testimony at the legislative investigation. After referring to the advice Colonel Gunter and Mr. Kleberg gave him against the purchase, he says: "Ordinarily I would have followed their advice; but knowing that as an honest man, I could make nothing in the public service, my only hope of a modest competence to protect me against an old age of poverty and want, was that I could find some transaction like this and by careful management save something out of it." Now for the "deadly parallel," listen to him at Greenville. After referring to a friendship between himself and Governor Gibbs' brother in his youthful days in Mississippi and to the ill health of Governor Gibbs himself, speaking of the same transaction, he touchingly says: "Fellow-citizens, I got into that trade out of the kindness of my heart, and it does sometimes pay to be good hearted in this world, and when it does not I want to be good hearted, anyway. * * * I talked with the best friends almost I have in the world, Col. Jot Gunter, about it. I also talked to Bob Kleburg. They advised against it, and so did others, too, and so I yielded to the prompting perhaps not of wisdom, but of friendship, and I made the trade that very year." Now, as smart a man as Bailey is, he can't to save his life, tell what influenced him to buy the Gibbs ranch, whether it was because he wanted to follow the advice of Francis and Sibley, "put money in thy purse," or whether it was downright good heartedness, and because he felt sorry for Governor Gibbs. I hope I have made my point clear, and that is, that our mental processes are so complex that not only can we not foresee what may influence us in the future, but we don't even know what has influenced us in the past—Mr. Bailey being my only witness. But his argument against the impropriety of his conduct and the danger to you of giving your approval to such conduct, is much fortified by reference to still other portions of his remarkable defense. Referring to his amendment proposed in opposition to the interests of the Tennessee railroad, "which compelled the Tennessee Central Railroad to sell those coal lands," he says: "Do you reckon one of them (that is, any one who is opposed to him) would have ever done such a thing as that? If one of those corporations would pay them \$25,000 it would own them soul and body until the crack of doom." Surely, surely, Senator Bailey places himself in the position in which an analysis of this statement leaves him inadvertently and without duly considering the import of his language. What Bailey took as a lawyer's fee from a public service corporation would have been a bribe to a weaker man and to all of those who are opposed to him; Bailey can take it, though, and he will make anybody who criticises him "wish he had never been born." "The King can do no wrong." There is no other combination of words in the English language that so fittingly describe his attitude. I knew that the Senator once agreed with us as to the double standard of money but did not know that he contended for a double standard of morality—one for Bailey and one for the "creatures." Well, he needs an individual standard if we take seriously all he says. But is he consistent and does he mean what he says? With one breath he tells you that he can do these things that would cause the fall of weaker men, because he never allows his private interests to interfere with his duties to you. A few moments later in this same Greenville speech he takes a new text and preaches upon the ethics that ought to govern a United States Senator, and with much force and eloquence he makes it clear that a Senator should never put himself in a position where his private interests tempt him one way and his public duties impel him to another course, and boasts that he meets the full measure of this high standard, and tells you that he refused to have anything to do with the organization of corporations, or the acquisition of interests, in the rich Indian Territory lands that lay across the river from his home, and in which he saw unbounded wealth stored away for him; but he said, "Get thee behind me, Satan. I have so high a

sense of my duty to my constituency that although I believe I could discharge my full duty to them, I will not place myself in the improper attitude of having private interests which might be opposed to my official duties." Of course, I do not mean to quote him literally, but this is the substance and the meaning of his argument; and I thoroughly endorse the soundness of his logic and declare it to be unanswerable, even by himself. The Senator's further defense that his critics can point to no vote or speech of his that is not in harmony with the best interests of the people he represents is not at all conclusive. No man representing the people of Texas or any part of the South would be of any value whatever to monopolies and trusts by avowedly and openly espousing their cause. But has he always "voted and talked right?" On the injunction feature of the rate bill he and Senator Culberson were not in accord, and say what you please, the people of Texas have unlimited confidence in the personal integrity and legal attainments of Charles A. Culberson. Had Bailey's injunction amendment been tacked on to the bill and caused it to be declared unconstitutional the attempt to regulate railroads would have gotten a ten-year setback which would have been worth millions of dollars to the "system."

Now, have I called any witness, other than Senator Bailey? Have I drawn on any other source for argument, than his own utterances? Have I impugned his motives? Not once. And yet I submit that Bailey condemns Bailey as guilty of impropriety and wrongful political and official conduct, and of setting a precedent subversive of all that Democracy stands for. If it be conceded that he has done no other wrong, has not consorted with a gang who have made themselves odious to the people of Texas, and who are inimical to its laws, and its institutions? What names are more odious in Texas than Pierce, the Waters-Pierce Oil Company, the Standard Oil Company, and the great lumber corporation referred to? Are they not now and always the enemies of Texas? Do we not find their trails and Bailey's crossing and recrossing during the whole of his term as United States Senator? An ouster suit was after many difficulties prosecuted through all the courts including the Supreme Court of the United States, and now no man could think of the proceedings without the image of Bailey forming itself in his mind. You can't hear the name of Pierce without its suggesting Bailey. Speak of Bayne or the Standard Oil Company, you think of Bailey; speak of the lumber company, or the Kirby prosecution, and up pops Bailey's image. This association of ideas is unpleasant, and the people of Texas should not have been thus burdened. He is so inextricably complicated with the enemies of our State that it seems that the Attorney General can't institute a suit against one of them except at the risk of giving Bailey personal affront. Must the Attorney General before beginning the prosecution of a trust suit first inquire as to the state of repair of Mr. Bailey's political fences and see whether it is opportune to proceed with an anti-trust prosecution, and must he submit the pleadings to him for revision and review to be sure that they contain nothing that may be offensive to Mr. Bailey? He owed it to the people of Texas to not thus complicate himself.

My fellow-citizens, Senator Bailey is, I believe, unjustly accused with reference to some things. We hear whispering here and there that would tend to reflect upon his integrity as a man. The Daily Press in its quotations from Senator Bailey's speeches shows that these assaults are frequent and bitter. I have no sympathy with them. His official position is an exalted one, and he is entitled to every presumption as to his integrity and purity of life as a private citizen until definite and certain proof is presented. I not only readily but cheerfully and without qualification accord to him the benefit of this presumption to its fullest extent. I much prefer to believe in his integrity. Painful and humiliating indeed would it be to our proud people should the stain of personal dishonor besmirk the name of our distinguished party leaders. I do not want to be understood, however, as subscribing to the doctrine that a man's personal and private character is not always a proper issue where he seeks an honor at the hands of his party. No man will make a worthy public official who is not a worthy private citizen. No one will more cheerfully accede the correctness of this proposition than the Senator himself. These personal issues have enabled Senator Bailey to becloud the true issue, which is one of public policy; and the personal questions detract from the strength of the position of those who charge Mr. Bailey with

political wrong-doing and with having set a precedent that the people of Texas ought not to approve. My relations with Senator Bailey have not been cordial since the Galveston convention four years ago, but so far as I know or believe, they have not been personally unfriendly. I despise every kind of political bossism by a United States Senator or any one else, but I have always admired the Senator's splendid oratorical abilities and have taken and frequently expressed a patriotic pride in the strength of our representation in the United States Senate, believing it incomparably superior to that of any State of the Union. When in my presence those hostile to Senator Bailey have intimated doubts as to his official integrity, I constantly contended that he was all right in that regard, and that his sympathies and his heart were still with the people who have so signally honored him. Senator Bailey has done more to shake my faith in him than all the slanders of his enemies. When his enemies have insinuated that his desire for wealth had tempted him from the straight and narrow path, I have replied that Senator Bailey occupied a position so lofty and that he must value so highly the confidence and esteem of the people of Texas that money could not be a temptation—that money has only a relative value, and that compared with the confidence and esteem of the great people of Texas it was worse than trash. But his speech in the United States Senate last June refuted the views that I had entertained with a force that no enemy of Senator Bailey could have mustered. He has departed from the traditions and history of the people of Texas, and of the South and voluntarily taken his stand by the side of Aldrich, Platt, Depew, Dryden, the New England Senators, and others of his colleagues in the Senate who believe that they may entangle themselves with the corporate interests and trusts and yet properly occupy a seat in the United States Senate. So far as I know they are personally regarded as honest men, but they are not "our kind of people," and these views have never been countenanced in the South. Mr. Bailey in that speech for the first time so far as I know proclaimed his conversion to the wisdom of the advice given him by Sibley and Francis six years ago, and averred that he could as a United States Senator properly devote his attention to the gross business of money-getting and that he despised the intellect of any man who esteemed it his duty to devote all his time and talents to the service of his people, and contended that he could properly accept employment from corporate interests. He has departed from his own high ideals and laid aside his former convictions. Call him back as a witness. Six years ago just before he was elected Senator, in the legislative investigation pertaining to the purchase of the Gibbs ranch, to again quote his reason, he stated that he made the trade because "*knowing that, as an honest man, I could make nothing in the public service, my only hope of a modest competence to protect me against an old age of poverty and want was that I could find some transaction like this and by careful management save something out of it.*" No one would deny the right of a Senator to make an investment in land, if he has anything to invest. At that time the Senator believed that as an honest man he could make nothing in the public service. Was he not in the "public service" at the time Congress adjourned on Friday and he went to New York and made that \$225,000 Kirby fee by Monday morning? The idea of any one proposing to him to resign and take a salary of \$50,000 a year! Who can so clearly demonstrate Bailey's political sins as Bailey? Let others keep out and let Bailey talk. He likes to talk. Call him to the witness stand again—he has not yet invoked the constitutional guaranty against being compelled to give evidence against himself. What did he say at Waco about corporate employment? I have heretofore referred to his utterances there. I have been handed a very brief extract from his speech before the Democratic convention as taken from the Houston Post of August 9, 1900. He was defending his position with reference to the readmission of the Waters-Pierce Oil Company and used this language: "But, fellow-citizens, I have detained you already too long. Nobody believes these accusations, and I do not think it necessary to prove my innocence, but I did feel that I owed to my friends to make them a plain and honest statement of the facts so that hereafter no one shall mistake. I know some honest men have said it is wrong because they misunderstood it, and they will never say it is wrong again; and the dishonest man that wants to will never dare. Now, fellow-citizens, *do we as Democrats of Texas believe that we have fallen so low as to elect a Senator who sells his services*

to the corporations? *I do not believe that time will ever come when Texas will make that mistake.*" His own sonorous sentences and mellifluous mouthings are quite sufficient to condemn him. Compare his position of six years ago with his speech in the Senate of June last; compare it with his daily public utterances in his present campaign, and his declared purpose to continue to represent corporations. When he first went to Congress with much ado he took the position that when he was absent for a day or period his salary ought to be "docked." Now he boldly proclaims that if he works for his constituents half the time, "Mrs. Bailey and the boys" are entitled to the other half. The seductive methods of Sibley and Francis have seduced many men weaker than Senator Bailey and they have succeeded in vastly modifying his views. How unfortunate that unconsciously to him they produced in his mind the conviction that the warnings of the Holy Writ to the effect that "They that will be rich fall into temptation," has been superseded by the Francis doctrine—"Put money in thy purse." If he has forgotten some portions of the Scripture, however, I dare say that in his present agonizing he remembers this particular passage: "*The love of money is the root of all evil, which while some covet after they have erred from the faith, and pierced themselves through with many sorrows.*" When his eyes began to glow at the glitter of gold, his views with reference to "a Senator who sells his services to the corporations" and as to whether "an honest man" could make anything "in public service" became transformed. The Senator when he went to Congress appeared to have a violent case of anti-corporation phobia, but he has taken the "money cure." I have shown him to you "before and after taking."

Finally, my fellow-citizens, driven from every position where he attempts to make a stand, Senator Bailey takes refuge behind the last and innermost bulwark, and says: "But I am the nominee, and when you attack me, you attack the Democratic party. What will become of those of you who attack the nominee of your party?" This is the effect of his argument. As for me in reply, I have to say I have crossed the Rubicon and am in favor of carrying the war into the remotest precincts of the Democracy over which this corporations pampered Pompey is trying to tyrannize. Democrats in every city, town, village, hamlet and farm house in Texas ought to be acquainted with the Senator's departure from the ideals of the patriotic people of the South and from his own former professed standards. I shall cheerfully suffer all the consequences that shall flow from my supposed hardihood and alleged revolt against a so-called party nominee, and I shall be deterred from a free expression of my convictions neither by the Senator's threats nor his browbeating and bulldozing methods. He is not only a candidate for office, but is now a public servant and his position on every public question is on that account proper matter for discussion. So far from apologizing for my position, I expect as a result of my course to enjoy that gratification which comes to a man from the consciousness of a duty performed. I expect to claim for myself all the credit to which I may be entitled for speaking out my convictions as a free man and a Democrat on a question of great public moment. But do not understand that to any extent I arrogate to myself any claim to leadership in opposing Senator Bailey. M. M. Crane by speaking out when others were cowering from the fear of the party lash marked himself a patriot and leader worthy to be followed, and rendered an inestimable service to his State and to his party. In an humble way I encouraged him in the stand he took, and that is the explanation of my feeling called upon to give expression to my views. It would have been cowardly in me not to have followed where I urged him to lead. I hope I shall never fear to follow my convictions of right. I love the party; but I also value my own self-respect, and I love my country as well as my party. The course I now pursue is the one I conceive to be most consistent with all these sentiments. I believe that political parties are necessary instrumentalities for giving effect to the different governmental ideas and giving shape and form to principles of patriotism. I, therefore, believe in party organization and a rational loyalty to party nominees. During all the days of my manhood I have followed my party flag and shall continue to do so. But I recognize a distinction between rational loyalty to a nominee based upon an application of reason, common sense and honesty to the circumstances of a particular case, and the blind following of forms. Senator Bailey possibly has the "forms" entitling him to style himself the nominee, though the regularity and

legality of his nomination is challenged, and no body of Democrats was authorized by law to declare him "nominee." As a matter of substantial right and justice he is not entitled to be treated as the nominee.

He got judgment by default and the people are moving for a rehearing on the ground of newly discovered evidence, and they feel that they present incontestible proof of the injustice of his demand on the party. They have been guilty of no inexcusable neglect in not sooner discovering all the facts. If Mr. Bailey is one-half the lawyer he claims to be, he will at once recognize that the motion would be well taken and granted in any court in Texas. I urge against his claim to be the nominee another defense in the nature of an equitable estoppel, the fairness and applicability of which ought to be recognized by every fair-minded Democrat. In 1896 W. J. Bryan was duly and regularly and with unparalleled enthusiasm declared the nominee of our party for the Presidency. No question whatever was made as to the justness and fairness of his nomination. The fight was then no longer one between Democrats. The president must be Bryan or a Republican. What did the man do who now in his desperation cries out "I am the nominee. If you fight me you fight the Democratic party"—what then was his attitude? Did this Achilles merely sulk in his tent? That might have been pardonable from his standpoint. No, he threw down the banner of Democracy which had been placed in his hands as the leader in his Congressional district and as a veritable Trojan denounced the very head of his party as a Populist and worse—"shot him in the back," as he now expresses the idea. To whose advantage did his denunciation redound? To the enemies of Democracy. It was not simply a family row. Those who now oppose Senator Bailey, in addition to raising a question as to his right to claim to be the nominee at all, assert that their opposition will not enure to the benefit of the enemies of the party, but that either Bailey or a better Democrat will be elected. No party disaster can possibly result. The worst possible result is to Bailey. It is not a question of party politics at all but of public policy and morals. In view of his attitude toward Mr. Bryan as the nominee and his present attitude toward Mr. Hearst, the nominee in the great pivotal State of New York, with what grace does he cry out, "I am the nominee, and as such entitled to your support?" Ought he not to be satisfied if we treat him with more consideration and fairness than he treated Mr. Bryan in 1896? The most of those who are opposed to Mr. Bailey's position affirm that they knew his record very imperfectly prior to the primaries. Certain it is that the testimony of Mr. Pierce, adopting his respectful language towards that gentleman, which was given on September 10th, was a revelation. This caused inquiry, comment and investigation and put Mr. Bailey to explaining and the more he explains the more unsatisfying he is. We expect a new explanation from him every morning. Only a few days ago he made a new suggestion that it was the Standard Oil Company, probably, that was now fighting him! He would have you believe that Hearst and the Standard Oil people have joined forces to down so great and good man as Bailey! Is he not indeed reduced to desperate straits? Why, pray, would the Standard Oil Company fight him? No wonder he cries out for Bryan, the Democratic idol. How humiliating it must be to the pride of Mr. Bailey to feel compelled to take refuge under the shadow of the great name of the man whom he repudiated and denounced as a Populist in 1896! He seeks cover everywhere. He bewails that they are after "me and Williams." "They are after me and John W. Daniels." "They will be after me and Bryan next." As for me I would not mind seeing Hearst take a few shots at John Sharp Williams for his conduct in joining with Bailey, Taggart, Sullivan and the Parker gang at St. Louis in an effort to humiliate William J. Bryan two years ago. Mr. Bailey has discretion in choosing the names under which he undertakes to find shelter. It is Bryan; it is John W. Daniels; it is not Taggart, the notorious gambler and corruptionist that he helped to place at the head of the Democratic party organization two years. It is not Sullivan whom Bailey helped to foist on the party at St. Louis and whom Bryan denounces because of his connection with public service corporations and other alignments. But we say to Mr. Bailey that in Texas at least we are not after Williams. We are not after Bryan. We are not after Daniels. We are not after Taggart. We are not after Sullivan; but Bailey and his conduct is the issue we present. We charge that he has been weaned away from his own standards of

public duty, and that his political sins render him unworthy to longer represent the people of Texas in the United States Senate in the conflict now on and which will ever be on between the rights of the people on the one side and the rights of the corporations and trusts on the other. We say that no man can serve two masters. He replies that he recognizes no master but his constituents. This, however, has a hollow and mocking sound and is without the genuine ring to it, in view of his admitted conduct, association and employment. It is as sounding brass and tinkling cymbals. The people pay him \$30,000 for six years in the Senate; the corporations pay him \$300,000 and probably very much more for his service to them during the same period. If you and your neighbor have adjoining gardens of equal size and jointly employ a gardener and you pay him \$3.00 a month and your neighbor pays him ten times as much, or \$30.00 a month, whose garden do you think will be best kept? "Where your treasure is there will your heart be also." Senator Bailey by his attitude assumes that rules, motives and principles which influence other men and by which other men are governed have no application to him. Will he also claim that the words of Holy Writ apply to "creatures" and not to Bailey? He alone of all public servants must be held immune from criticism. You must not even compare the 1900 Bailey with the 1906 Bailey, and of course he would not tolerate a comparison of Bailey with any one else. He will make the "human hyenas" and "devils" who oppose him "wish they had never been born" and will "drive them into the Gulf of Mexico." He will "never forgive" those who are so presumptuous as to criticise his conduct while Senator. "Upon what meat doth this our Caesar feed?" Or what oil is it wherewith he hath been annointed that sets him apart from and above other public servants?

If in another term Senator Bailey drifts as rapidly from the moorings of the party as he has during the present term, no one can doubt that, having abandoned the plain people, his sympathies will be entirely with the privileged classes and with those enemies of Democracy, who, borrowing the word of Thomas Jefferson, "look to a single and splendid government of an aristocracy founded on banking institutions and money incorporations, under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the plundered ploughmen and beggared yeomanry."

The conflict between the Democracy and the trusts, money incorporations and the power of concentrated wealth, is not a temporary one. It is a continuous unrelenting war, and when it shall have ceased the necessity for the existence of the Democratic party will have ceased. Every day the corporations become more powerful and impudent, and more expert in their methods of deceit and corruption. There is no middle ground in this conflict upon which to stand. He that is not against these enemies of the people is for them. Is he who eats of their bread likely to be for them or against them? To what public measure beneficial to the masses can Senator Bailey or his friends point as evidence that he is in the service of the people? He has been in Congress fifteen years, and I challenge him or his friends to point to a single instance of significant legislation with the passage or defeat of which his name is closely connected, unless the rate bill already referred to be such. He has done remarkably well for Bailey, but what has he done for the people? In "playing to the galleries" he is the most eminent actor on the political stage, but that tells his whole history.

If Senator Bailey shall continue to shelter himself behind his so-called nomination and not give the people an opportunity to express their sentiments, it is possible that he may succeed himself as United States Senator. But so surely as he lives there is a revolt and he will go back over the protest of thousands of the best Democrats of Texas and alone because of a misconception as to party loyalty. Even his friends on the State committee deem it best for "the good of the party" to go into "executive session" when the Senator is a subject of discussion. The only reason the Senator has thus far given for not waiving his claim to the nomination is the expense of another election. I believe the patriotic people of Texas will readily and cheerfully bear the expense in the usual way; or, I believe, a sufficient purse can be raised by popular subscription in twenty-four hours to cover this expense. For him to

waive the advantage he claims as nominee and refer the matter to an untrammelled Legislature will not cost a cent, and the people will then be free to give such instructions as they may see proper. Or the matter could be referred to mass meetings to be held by the Democrats of Texas for the purpose of instructing their representatives. If the Senator will but give the people an opportunity to be heard they will speak with a voice that will ring in the ears of their public servants for a hundred years to come, and there will never be a repetition of this particular character of campaign, and the result will be spoken of to the honor and glory of the Democracy of Texas wherever and as long as men shall admire true manhood and purity in politics; and the Texas Democrat will be the model for the whole Union. If the Senator does not fear the verdict of the people, let him come out from behind his breastwork and fight in the open.

But if he shall persist in holding on to his questionable rights with the tenacity which he has heretofore exhibited, what then? The supreme authority in our government and in our political organizations resides in the people. They can, if they will, rise up in their might and name the next Senator from Texas. An attempt is made to cut off their constitutional right of free speech. Will the privilege of petition guaranteed by the Bill of Rights be also denied them? If the Senator and his friends feel that they are on firm ground, why do they substitute personal denunciation of those who oppose him for argument? Why attribute all opposition to personal grudges? I am not conscious of being actuated by any personal enmity towards him, though as proof of it he cites my father's alleged support of him. When my father retired from Congress to his farm ten years ago, he thought he left Bailey as a faithful sentinel on the watch-towers of Democracy, and instead of keeping watch on Bailey, he supposed Bailey was keeping watch for him; and his position is typical of tens of thousands of others, who have trusted rather than watched, who are slow to condemn, but sure in the administration of a just rebuke when convinced that their trust has been abused. I register my protest against the return of Joseph W. Bailey to the United States Senate from Texas, and am done; but I am not going to jump into the Gulf of Mexico.

JOSEPH E. COCKRELL.

CHAPTER XXXVIII.

JUDGE J. B. GERALD WELCOMES (?) BAILEY TO WACO, 1906.

Judge J. B. Gerald, an ex-confederate soldier, and a venerable citizen of Waco, delivered the following arraignment of Bailey in Waco on the day previous to the latter's appearance there in December, 1906, when the Democracy of that county was considering the propriety of a second primary to pass upon the condition as then presented. Judge Gerald has been long known for his personal bravery and the courage of his conviction. Aged, decrepid, and worn in body, his mind, his spirit and his patriotism shine forth in the splendid and courageous sentiments here following:

Well, tonight I do not know how I must address you, whether as fellow-freemen or fellow-slaves. We will know by next Saturday whether we are freemen or slaves. (Applause). My friends, when in the course of human events a man happens to lose his scalping knife it becomes necessary for him to state what he is going to do about it. I have lost mine, but I assure you that by a piece of good luck this evening I found a dull meat axe lying out in my back yard and that will do me for tonight. (Laughter).

Now, my fellow-citizens, I am going to speak just as little as I possibly can to cover the question, and the first thing I will call your attention to is the primary election. On next Saturday in this city will be decided the most vital question as to the people of McLennan county that has ever been decided in this state, whether we are freemen or slaves. (Applause). When we went to the chairman of the Democratic Executive Committee and asked that he call the committee together, at first he said he would give us an answer the next day, but immediately commenced putting in objections to it, that it was not legal and everything of that kind. At last he consented to call them together, but dead to all sense of decency and justice he absolutely put an argument in his call against the very thing we had asked the committee to be called together for, when it was just his duty to call the committee together and then submit the question and anything he had to say then, but in advance he shamelessly put in an argument in his call trying to prejudice every member of the executive committee against granting what we asked. Since that time they have sent men around all over this town begging them to sign a petition to the executive committee not to grant our request. One of their arguments against it, I understand—I did not see it myself,—is that it is going to cost the county such an enormous sum of money, every word of which is false. It will not cost McLennan county a cent. There are enough men yet in McLennan County who are willing to give one day's work absolutely and wholly without cost and make an honest return of it. If the Bailey people do not think so, they can put on some Bailey man, if he is willing to work for nothing. (Laughter). We will see, and I will see that it does not cost McLennan County one cent. (Applause). But even if it cost a thousand dollars, what are the dirty dollars, to be measured against the honor and freedom of our citizens? (Applause).

My God! Have we fallen so low that men will send around a petition and use as an argument against letting the people have their rights that it is going to cost something? And on that account it ought to be refused? If this is so we are indeed fallen down into the depths of degradation. (Applause).

Now, when that committee meets next Saturday I wait the roll called. When this question of voting for or against the primary is put let every man answer to his name and then vote for or against it. (Applause.) We want to have the blacklist to hang up in our homes, so that from now on until the day of our deaths or theirs we can point to the men, those who stood for freedom, and those who stood for slavery. (Applause.)

There is another argument being used against the primary. They say we ought not to have this primary because the state will probably have a general primary. Now,

that is a very doubtful matter, whether that ever takes place or not, but admit that a general primary is called, cannot a man in a case of this kind afford to vote twice? We will vote in the primary that we call here, and then if there is one called by the legislature for the whole state we will vote in that, too. If the Bailey element is superior in the legislature they will never call it, but if they do call it we will go out and vote again. I will not guarantee that will not cost us something, but that will be a matter for the State to pay, and everything will have to be provided for by the State. But if it costs Texas a million dollars, wouldn't it be cheap to let the people of this State have the right to express themselves?

These are the arguments used by Bailey, and all his followers, that he is nominated and the people of this state cannot recall him. That is what this man Gross says. He says you cannot recall the nomination. He denies that right to any one in this county or anywhere else, and that is the cry of the Bailey crowd all over the State. I say that Joseph W. Bailey was nominated for United States Senator because of the carrying out of an infamous fraud. (Applause). Does anybody believe that if the people last July had known what they know today that he could have gotten a corporal's guard in the primary election? (Cries of "No.") Suppose you had known it, would you have walked up to the polls and voted for him? (Cries of "NO.") Not one of you would have done it. There are a few men who would have voted for him. The class of men who endorse him would have voted for him. These officers and officials, all that class that are today endorsing everything he says, and advocating that he has got to be forced down our throats whether we want him or not, they would have voted for him then as they are advertising to the world that they will do the same thing today that he did. (Applause). Doesn't a man—I do not care what position he occupies, justice of the peace, judge, legislator, congressman, or any other man—when he says he endorses Joe Bailey and he believes Bailey has done right, doesn't he bid for any corporation or anything of that class? Doesn't he advertise himself that he is willing to take their dirty dollars? (Applause).

Fellow-citizens, I beg you to remember these men. I beg you to remember them to your dying day and never again vote for any man for any office who endorses such an infamous and such a damnable proposition.

Now let me make an illustration. As I told Gross, when he started off to object to this thing. "Your proposition amounts to this: Suppose that last July we had nominated some man for an office in McLennan county, and that before the November election arrived he had been caught stealing out of the hen roosts of his constituency and convicted in the County Court and put out upon the road for sixty or ninety days, or, if he had stolen a horse and had been put in the penitentiary." Don't you see that according to that argument we are denied the right to vote against him and denied the right to put up any candidate against him and are compelled to vote for him? Isn't that an infamous thing, that any man, half-white and free-born should advocate in the community in which he lives such an outrageous proposition as that? (Applause). Yet that is advocated all over the State from Joe Bailey all down the line to Abe Gross, chairman of the Democratic Executive Committee. (Applause and laughter).

Well, I assert as a legal proposition that the primary election of last July has nothing on earth to do with the primary election that we want now. (Applause.) I assert that the citizens have a right to revise their opinion. I assert that the right of the citizens is older than the Constitution. It is as old as the common law of England, and as old as that day when in the fields of Runnimeade the barons wrung from King John the Magna Charta. It is inherited by freemen from freemen and you cannot take it away from them. If Gross is right then a most serious proposition in the provisions of the Terrell election law was left out. Do you believe that if Terrell, the author of that law, had put in a provision something like this: "Provided, that after a man shall have been nominated under no circumstances shall the people be allowed to revise their opinion, but shall be compelled under all circumstances to come forward and vote for the person so nominated,"—I say, if such a proposition as that had been submitted to the legislature by the author of the Terrell election law the legislature would have sunk it a thousand fathoms deep and Terrell

along with it, and instead of being recognized today as an honorable citizen of Texas he would be damned eternally by every man in our State. (Applause). I say the very absence of any provisions of this kind is conclusive evidence that the law does not prevent us from revising our opinion and recalling a nomination.

Now, it is said that we have got no organization. We have got an organization, an organization that has its foundation down in the hearts of every man in Texas. (Applause). They say we ought to have a candidate for United States Senator against Bailey. Well, that is the very thing that Bailey wants, and he is asking, "Why don't you put up a candidate?" He is a sharp, shrewd politician, and he knows that the very moment that thing is done dissension enters our own camp. Let me give you an illustration and bring it right home. The Times-Herald a day or two ago in speaking about this thing stated that we did not have any organization and stated there were two men very fit for the United States Senate, mentioning their names, which I will not give here. One of them was all right with me, but one of them was all wrong, and one of them was so far wrong with me that if the primary election was called and he was put up as the candidate from McLennan county, and I was requested to endorse him in the speeches that I have promised to make in that event, I would say to the gentleman to whom I made that pledge, "You ask me to stultify myself to endorse this man and I will not do it." Don't you see just such an act as that would have closed my mouth, for I could not have endorsed him without stultifying myself in the face of articles published broadcast all over the State of Texas and in many places outside of Texas. Now, there is another thing that shows the utter impropriety of such a proposition. Governor Campbell is spoken of as a candidate. Gentlemen, Governor Campbell was elected on certain pledges that he made that he would carry out if elected Governor. Now, thousands of Governor Campbell's constituents will object to his going to the United States Senate until he has served at least two years in the governorship. (Applause). They want to see, and I think Governor Campbell is a man of fair intelligence, and he must be bound to see the position that it will place him in, if after being elected on these pledges he slips out from the carrying of them out and goes into the United States Senate. He never would get over it. Don't you see you do not want any candidate?

But what is the reason and why hurry the senatorial election? I assert that there are states in this Union that have gone as much as one, two and even as much I believe as four years without a senator. I will state one case as an illustration. In the state of Delaware, which naturally is a Republican state, there was a Democratic candidate, for they always have one, whether they have any hope of electing him or not. There was a Republican candidate, representing the decent Republicans of the state; and J. Edward Addicks, a dead match for Bailey, was the other. (Applause and laughter). The Democrats would not go to the decent Republicans, and the decent Republicans would not go to the Democrats, and the J. Edward Addicks' men had to stand, for he had them all staked and tied from the simple fact that he had bought them, as everybody knew. In that condition of affairs the legislature just simply adjourned and left Delaware with only one senator, and we had better adjourn and leave Texas with only one senator than to send Bailey back. (Applause). Other states for other reasons have failed to have two senators at times, although I never heard of anything as bad as the Delaware case and J. Edward Addicks, who, as I have said, is just a dead match for Bailey. (Applause).

If these men believe Bailey is the pure and spotless man that he claims to be when they get down there and this senatorial question comes up, why don't they say, "We simply won't elect this senator, or any senator, until after this case in the District Court of Travis county has been tried." If Mr. Bailey's statements are true, which I do not believe, and do not believe from the words out of his own mouth, he can prove that all these telegrams and entries on the books of the Waters-Pierce Oil Company are base forgeries. He can prove it. He won't have any difficulty about that. He can go there and swear that that telegram is a forgery, that Pierce sent from that place up in Wisconsin, and which was acted on there in St. Louis. If those things are forgeries Bailey can prove it. Then why not wait. No. To a man they fly with the lightning's speed to the election of a senator. That is the secret

of all these recommendations that Bailey makes that every man who is going to vote against him ought to resign. Don't you see if you can get all the opponents of Bailey to resign it will leave the legislature in the entire possession of the Bailey crowd and they can hurry the election through before the other man is re-elected and re-commissioned. Don't you see the point? That is what he is after.

Let me for a moment refer to Attorney General Davidson. He has been hounded all over this state in a manner more infamous than ever befell any other law officer of the State. He has been libeled in every charge that has been made against him. The Bailey people say that R. V. Davidson, Attorney General, says thus and so. I say that Attorney General Davidson has said hardly anything. He has been remarkably silent under the great provocation he has had. He said that Bailey introduced the Waters-Pierce Oil Company back into Texas. That is true, isn't it? I do not suppose Bailey would deny that. From all the testimony he admits he was down there working with the Attorney General and others, and then came up here to Waco and worked here. I reckon he would not deny that he re-introduced the company into Texas. Bailey said that he had offered his services to Davidson and Davidson never made any reply to that except he said Bailey never did it. I see intelligent lawyers here, one here and another one back there, and I reckon there are a good many here. What is Bailey's explanation? His explanation is that he told Davidson that if he would guarantee the conviction of the defendant, he would come and help him, but if Davidson was not willing to do that he did not want to have anything do do with it. (Laughter).

Now, let me ask every honorable lawyer in this house, what do you think of a lawyer proposing to go as a co-attorney into a case, whether he was prosecuting a man for stealing chickens, or in this Waters-Pierce case, who would demand of him the dishonorable and infamous proposition that he must deliver the defendant securely hog-tied and bear-staked before he would go in? (Laughter and applause).

Why, Bailey said the other day with the egotism that is so remarkable in his character, that if Davidson were to run against him and get into his chair up there in the senate he would rattle (laughter), and the people of Texas would be calling for him to come back. That is an infamous falsehood, like the other lies that he tells. (Applause). There is not an anti-Bailey man in Texas that will demand him back. But talk about his rattling I will tell you, you can go to Huntsville and take out the average criminal there in his striped suit, and carry him to Washington City and put him in Bailey's chair, and there will be more honor, more honesty and more manhood in it than when Bailey sits in it. (Cheers and applause.)

Now, let us look at Senter's proposition to Bailey. I ask if Senator Bailey or his friends have ever shown that they are willing for the people of Texas to pass on this proposition. Senter was once Bailey's great friend. Senter never abandoned Bailey until the evidence that Davidson had brought out, then Senter stated his position against Bailey. Then Bailey's friends said Senter ought to resign. Bailey said he ought to, too; Bailey endorsed it, and said it would be satisfactory to him for Senter to resign. (Laughter). Of course, when Bailey sees a chance to get rid of one more man who will vote against him he wants to do it. But Senter very genteelly proposed to Bailey that he would resign provided that if he was renominated Bailey would abandon the race for United States Senator. (Laughter). No; he would not do it. (Laughter). You resign, but I hold on. You are elected. I am nominated. I demand of a man who is already elected to resign the office that he has, but I, the nominee, will not resign. Bailey is the biggest fool in some respects that I ever saw, to be a smart man. (Laughter). He is in some respects a smart man. I am going to show it to you here. At the time of this Senter business Bailey stated an incident in a speech and was trying to make it parallel with his own case. He spoke of an instance in the career of Albert Gallatin Brown of Mississippi who was once Governor and United States Senator. I do not recollect the circumstances, as it must have occurred when I was quite young. After I was grown I knew Brown and knew him well, but I do not recollect anything about this incident, and I take Bailey's statement for it. It seems that Brown was a candidate for state senator, and had been nominated by the democratic district convention for state senator. There arose a

question as to how Brown would vote on a certain proposition. Seven hundred men sent a petition asking him to vote one way, and nine hundred sent up a petition asking him to vote the other. Those were about all the voters there were, I reckon, in that senatorial district, for most of the people there then were negroes and they did not vote. Brown, as Bailey says, instantly resigned his nomination and went before the people and was elected. Well, is there any parallel between Bailey's case and Brown's case? (Voice: "Not at all.") None on God's green earth. Brown did the very thing that Bailey refuses to do. I knew Brown well from my early manhood until his death. He was one of the captains of my regiment, and if I had time I could tell you a good joke about him, but I have not time for that. Brown lived and died with a political and personal reputation as pure as the Alpine lily that blooms and withers upon the bosom of the eternal snows. Has Joe Bailey lived that way?

Now, Bailey has grown to be a very aristocratic man. He cannot live off his salary. I reckon he has his hams boiled in champagne and sits in William Morris chairs and sleeps on beds of eiderdown. (Laughter.) He cannot live off of \$6,000.00 a year. Everybody who knows anything about it knows that it is \$5,000.00 a year salary and perquisites, and I asked Senator Coke once what those perquisites amounted to, and he said they were worth about a thousand dollars a year to him. Well, you know they are worth just as much as that to Bailey. Now, he cannot live on what ordinary men live on. Let us see if anybody else ever lived off of that, who was national in his reputation and character. Samuel J. Randall, for twenty-seven years the representative in congress of the richest district in Pennsylvania, lived off of it. I have passed by his house in the long years ago and I saw it, neat and genteel, but not gorgeous. I have seen Randall driving around the streets of Washington in a one-horse surrey with his wife and daughter. When Samuel J. Randall after that twenty-seven years died, his estate was worth a little over ten thousand dollars. (Applause). Was Samuel J. Randall a great man? Wherever his record is known no man denies it. Samuel J. Randall is the man who for seventy-two hours sat in his seat in congress and by his splendid ability and parliamentary tactics defeated the "force bill," which would have ruined the people of the South. (Applause). Yet, Bailey cannot live off of \$6,000.00 a year. How much was he living off of when the people of Texas took him up? (Laughter.) He had failed absolutely as a lawyer and could not make a living as a lawyer. He got into congress and I do not think he made much there, but in the six years he has been United States Senator from Texas he has amassed no man knows how much.

I saw in the paper that up here in talking about how he was raised he said he was raised under Baptist influences. Well, that is a pretty bad joke on the Baptist influences. (Laughter). Now, that is not my understanding of the record at all. (Laughter.) My understanding is that he was raised under the influence of a second-class saloon in the little town of Crystal Springs, Mississippi. (Laughter). And he has justified his raising (Laughter), for I assert tonight that Texas has never furnished a finer illustration of a bar-room bully than it has in Joseph W. Bailey. (Applause). He got it honestly from that little saloon in Mississippi. That is where he got all this bullying disposition, abusing men like he has done infamously and outrageously, because we in the exercise of our reason and the dictates of our conscience have said that he would no longer do to be a United States Senator. For that we have to be abused.

As I said the other night, Bailey has met these charges in a manner that no great man ever meets such things. No man who is worthy to be the representative of a decent people ever meets charges such as are made against Bailey in the manner that he meets them. I referred to Alexander Hamilton, who once labored under serious charges. Why didn't Bailey meet them like Hamilton met them? No; he does not meet anything that way. When this thing first commenced Bailey swore down here at the legislature in Austin, 1901, that he would tell the truth, and yet he practically lied all the way through. (Applause). He stated after being sworn that he hardly knew Pierce and cared nothing about him. He had done the whole thing "for my friend Francis who is dear to my heart." (Applause). Suppose he had come

out then and told the whole truth and said "Gentlemen, I have got about \$11,000 or \$12,000 of Mr. Pierce's money right now in my pocket." Do you suppose if he had told them that he would have got the whitewash? He concealed the material facts of the case in his sworn testimony. I was not present, but I understand in that convention up here in 1900, when old Captain William Dunnivant, a grand and gallant old man, walked down the isle and shook his finger at Bailey and said: "Sir, did you not know that you were consorting with criminals when you brought this company back to Texas?" Bailey waved his hand and said: "Sit down and I will explain the whole thing." They got Captain Dunnivant quieted down—he was a pretty fiery old fellow,—and Bailey went on to explain, and he held up his hand and said, "Before God, I never got a dollar." He said it right in that auditorium. "I did it all for Francis and never got a dollar." Well, Bailey went on on that proposition until David Graham Phillips published an article in the *Cosmopolitan* magazine saying that Bailey was the leader of the "interests" in the Senate of the United States, in which position he had succeeded Gorman, and everybody knows that Gorman was the leader of the "interests" when he was alive. Then Bailey got up on his hind legs and walked out and denounced the *Cosmopolitan* and denounced Hearst. He vilified Hearst and said that all Democrats ought to vote against him, Hearst was the Democratic nominee more regularly than Bailey, if he should be re-elected, because he will be re-elected by a bigger fraud than he is nominated now. Hearst was nominated as fairly as any man was ever nominated in a Democratic convention. Every fact derogatory to Hearst and thousands of arguments that were not facts had been urged against him in his canvass for the nomination for governor before the convention met. They lied on him from Dan to Bersheba. When he received the nomination of the Independence League they urged that against him, that he had deserted his party, and everything of that kind. But when the convention met at Buffalo and all the fight had been made against him the majority of the regular Democrats were for Hearst and they nominated him, and yet Bailey advised everybody to vote against him. I was in New York during two months of the campaign, and the most terrific campaign I ever saw made against a man on earth was made against Hearst. Bailey's words were quoted day after day, and appeared in every anti-Hearst newspaper: "Here is what Joe Bailey says." Yet we must not dispute Bailey's nomination, which was procured by a fraud that vitiates the whole transaction. We must not dispute that, but we must vote for him. Gentlemen, can you submit to such an infamy as that? He can violate everything that an honorable man holds dear and demand to hold the nomination, while Mr. Hearst, with all the efforts made before his nomination to defeat his nomination, was nominated and received the support of every honest Democrat in the state of New York, and if it had not been for such influences as Bailey and that man Jerome, who is a Democrat, or claimed to be, and McClellan, who took the mayoralty office from Hearst, Hearst would today be the Governor of New York. The bitterest enemy that Hearst has in New York today is McClellan, who took the mayoralty election from Hearst. Every man on the Democratic ticket went through but Hearst but the terrible influences, the tremendous amount of money expended against him, defeated him. President Roosevelt even sent Secretary Root down there to charge in his speech which I read the next morning, that Hearst had aided and abetted in the assassination of McKinley. When the fact came out—I cannot quote the words, but the basis of the charge was a little poem of four lines which said that the bullet that killed Goebel was traveling east to kill McKinley—the man who wrote that acknowledged it, but said that he was a great friend of Goebel and was also a great friend of McKinley, and seeing the trend of things and the assassination of Goebel he dreaded that somebody might assassinate McKinley. That was the whole thing. Well, you see all those things were against Hearst.

They bought up Pat McCarren in Brooklyn. The Democratic representative in Brooklyn was bought and he cost Hearst 15,000 votes. They bought old Richard Croker, and he sent his messages from across the waters appealing to Tammany to vote against Hearst—Croker, that infamous old thief. And as bad as they claim that Murphy is, the present leader of Tammany, they appealed to Murphy to vote

against Hearst. Hearst had published Murphy in his newspapers as being more deserving of a convict's garb than being the leader of Tammany. Murphy said: "Yes, he has hit me mighty hard, but I am a Democrat and I am going to vote for him," and Murphy voted for him but Pat McCarren did not. That is the way they beat Hearst. There was this fellow Belmont, and there was Ryan, this insurance and all other sort of a plunderer, all against him. Every one of these fellows was against Hearst, yet if the Democrats had stood by Hearst today New York would have been in the Democratic column, and back of it thirty-six electoral votes.

A Voice: "Before you get through tell them what Bailey said about Bryan when he was first nominated."

Judge Gerald: Everybody knows he said he would not serve in congress if Bryan was elected. I will discuss that before I get through. Now I am going to discuss Mr. Bailey's reply for a few minutes, but I cannot go over all of it. When the attorney general asked these questions Bailey came out and he shows from the very first where the lance had entered the flesh. You can read between the lines when he says there was no necessity for the attorney general to publish that information against him, and he could have gotten all the information about Waters-Pierce Oil company belonging to the Standard Oil company in other directions. So he could, but Bailey is charged as the man that got Waters-Pierce back. You can see that what Bailey thought was the duty of the attorney general was to conceal everything pertaining to Joseph W. Bailey's connection with it, and if Davidson had been the traitor to his people and his party that Bailey has been they would have been crying out, "Hurrah for Davidson," but if the attorney general had kept his mouth shut he would have perjured himself and he would have dishonored every decent man in Texas if he had done what Bailey evidently wished him to do.

Now, about that \$1,500 draft in connection with which Henry & Stribling are mentioned, before the actual facts came out Bailey rared and hurrahed, as if conveying the impression that he never got any \$1,500 from anyone, had nothing to do with it, did not know anything about it, and if any one would show him a draft for \$1,500 he had signed for Henry & Stribling he would resign from the United States Senate. Now, how did that turn out? After the thing was out and we began to scan it we saw it was not charged that it was given to Henry & Stribling, but that it was charged to them on the books, and the evidence shows that Bailey was the man who drew the draft on the company up there. When he found himself cornered—and you will see there is going to be more evidence on that draft yet—he then, just like he does everywhere else, turned around and admitted that he got the \$1,500, and said it was to buy a horse. (Laughter.) He had been attending the circus when the refrain of one of the songs is "Get a horse." I will tell you, in that particular instance, Mr. Joseph W. Bailey got a horse that before this ends he is going to find to be the hardest horse to ride that he ever had. (Applause.)

The other day up here somewhere in his speeches Bailey dared any man to question either his personal or political integrity, and that any man who did so was a liar and a scoundrel. Well, here is one of the liars, and scoundrels. (Applause and laughter.) Now I answer that miserable, perjured booster, who would not dare to go before a decent man's face, or any man who had the courage of a half-grown jack rabbit, and denounce him as a liar and a scoundrel. He would not dare to do it. I know men too well, and I can tell a bully and a coward wherever I hear him talk. I tell him that I say that he never in his rotten hide ever had a single honest principle, either personal or political. (Applause.) I tell him and hurl it back at him, that he is a moral leper and a political prostitute (applause), who with all the instincts of a bawd has paraded the charms of a United States senatorship in the foul and gilded dens of the Standard Oil company (applause). That is my reply to this liar and scoundrel.

I read the other day in the newspaper that pistol incident. He states he heard somebody talking about him and he went and got his pistol. He didn't carry it with him but he went and got it and came back and the fellows got right down. (Laughter). Now, let me tell you my opinion about that. I believe, first, that it is a lie

out of whole cloth. (Applause and laughter.) But if it isn't a lie here is how it was managed. He went and got two of his friends and posted them, "Now, boys, you give me hell (laughter) and I will get my pistol and then you hush," and that is the way it happened. (Laughter and cheers.) Tell me that a man who has been guilty of what Joe Bailey has been guilty of can possess personal courage! It is an utter impossibility. (Applause.) Why didn't he stake a man out down here in his Belton speech? Any man that read that Belton speech can see that Joe Bailey on that particular occasion never said a word about Gruet, and he closed by saying, "Is there anything else you want me to refer to?" and some fellow said "What about Gruet?" and Bailey just jumped up and jumped on Gruet and denounced him for everything he could think of, and then closed by saying that the worst thing about Gruet was that he was the friend of the attorney general. He understands all those tricks of the demagogue.

Now let me tell you another thing before I quit about his reply. In one of his statements Bailey explains that \$1,750 payment by saying that he borrowed \$1,750 from Pierce and that if the records are correct it shows he got it twice. Well, it just shows to the contrary. It shows how he relies upon the ignorance of the people of this state. Pierce's letter, of which one-half is true and the other half forged, according to Bailey's statement—Pierce's letter, giving his orders to his secretary, says "that Mr. Bailey, having borrowed \$1,750 from me on his personal account, he having now paid it back, this becomes a charge against the company and you will enter it for expenses of Texas cases and send him check for \$1,750." Now he paid back the money that was loaned him, but afterwards he gets the \$1,750 back, and he says that that shows that he got it right. Suppose that I borrow \$100 from the County Judge personally over here, and I pay him back, and he afterwards says I have got a claim against McLennan County for \$100, and he recommends the Commissioners' Court to grant it, and they do it and Tom Caufield sends me a check for \$100, then I have been paid twice. Don't you see it. He might just as well have asserted that 2 and 2 make 5, and ask any intelligent man to believe it as to assert any such proposition as that.

Bailey explains these vouchers by saying that they are all forgeries, and somebody got hold of them, but how could he have gotten the money? They never could have gotten the money by the mere act of the forgery, and if you follow that thing up you will see that it brings it down that Pierce is the only man who could have benefited by it, and he must have had the forgeries put in there and then robbed the Standard Oil company. The Standard Oil company robs everybody else but won't let anybody else rob it. (Laughter.) That is a sample of it all the way.

Now, after these other things came out then the Hearst matter passed away. Bailey had to abandon all that. Then he had to abandon another thing that he had started out on, too, that the Standard Oil and the railroads were after him. That fell as dead as a last year's bird's nest. Do you hear anything of that now? Not a word. It is all gone.

Coal Oil Joe (laughter) never says a word about that now.

In his campaign of denunciation of us he has called us liars, conspirators, traitors, hyenas, and cowards that he will drive into the Gulf of Mexico. I answer him back that he is a liar and a thief. I tell him that in his double dealings and his infamy we have never gotten a fact out of him except after we had bored for it with a post-auger and then pulled it out with a pair of black-smith's tongs. He is a conspirator against the honor of the people of Texas. He is a traitor who has proven recreant to everything that an honorable man holds dear. He has betrayed his own manhood and has dishonored the state of his birth and the state of his adoption. He is a hyena who trails at the mangy tail of the Standard Oil tiger and licks its dirty dollars. He boasts of running cowards into the Gulf of Mexico. He will be here tomorrow and I will offer him as cheap a bargain as any man can offer. As you all know, I am somewhat old, one-armed and half blind, but if he wants to run me into the Gulf of Mexico he can try it. (Applause and cheers.) He won't do it.

If he will just walk up and look me in my face and just say that he is going

to run me into the Gulf of Mexico, I will say: "My dear Senator, recognizing that it is a long trip from here to the Gulf of Mexico (laughter), if you will just run me two hundred and fifty yards from where you are going to speak, if you will just run me down to the Brazos River, I will jump in and float down to the Gulf." (Laughter.) Talking about running people—it makes me mad when anything of that kind happens, and I don't want to get mad either. (Laughter.) That is the way I answer him. I have seen the state of Texas, with all its grand memories, bullied by this miserable boaster as long as I intend to see it. Why is he here tomorrow? To bulldoze and bully the members of the executive committee into refusing our request. That is what he is here for. In the beautiful rhyme of Sir Walter Scott, I repeat his words:

"Lives there a man with soul so dead,
Who never to himself has said,
'This is my own, my native land?'
If such there be, go mark him well.
For him no minstrel raptures swell.
High though his title, proud his name,
Boundless his wealth as wish could claim,
Living he shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust from which he sprung
Unwept, unhonored, and unsung."

I will tell you who the man is and his name is Joseph W. Bailey. (Applause.) He is the man that will go down. He is the man that will have no name. The only land that he has ever found that satisfied him was the Standard Oil and its millions. (Applause.) He is the man who has darkened the brightness of the glorious memories of Texas, the Alamo, Goliad and San Jacinto, and every spot where heroes died that from their martyred blood might rise a glorious gift to the American Union, which is a grander gift than Caesar's legions won for Rome.

They may put Bailey back in the United States senate. Well, suppose they do. Then with his bullying tactics he is going to try right away to bully the senators at their next session—he won't be there until next December—to make him the leader of the Democratic minority in the senate. If they do so let us see what will happen. You cannot get Mr. Bryan to accept the Democratic nomination for the presidency. Why? It places him in this position: If he keeps his mouth shut about Bailey and the men who support him he eternally dishonors himself, in view of what he has said about no man serving two masters and he swallows every word he published about this fellow Sullivan in Illinois, who is the leader of the "interests" there while claiming to be a Democrat. If Bailey stands as the representative of the Democratic minority in the senate of the United States, if Bryan does not attack him and the gang, then he has got to swallow his words in that respect, and if he does attack him it would be foolish for Bryan to go into the contest, for the chances are that they would turn all their batteries on him. Bailey will do just as he did about Hearst. He does not like Bryan anyhow, because Bryan is an honest man and Bailey naturally don't like honest men. Now, what will be the condition of the Democratic party. Suppose that you re-elect Bailey, and all the Republican batteries are turned loose on you, which will be.

A Voice: He hasn't had the chance they have had.

Judge Gerald: No; he hasn't had the chance they have had, but he has had a better chance than some of you think for.

Now, there is the condition. There is the proclamation we make when he is elected to every young man in this state, who proposes to go into public life. Every young man is instructed to follow in that path. Every man that believes it, ought to educate his son to become a thief and a perjurer and a betrayer of his citizenship.

Now fellow citizens, I have just sketched this over. I could talk all night, but

I do not want to talk further. We have some others who wish to speak to you, and I am going to close by delivering you a little doxology that I saw in the Devil's River News. That is a pretty hard name to start with, but that is where I saw it, published out here in some little town, and it is this:

"Praise Joe, to whom oil blessings flow.
Praise him, all flunkies, here below.
Praise him high above the Standard host.
Praise Archbald and John, but Joe the most."

(Laughter and cheers.)

CHAPTER XXXIX.

NOTABLE MISCELLANEOUS ADDRESSES, INCLUDING:

- a. Bailey Supports the Aldrich Currency Measure.—By F. M. Ethridge, Dallas.
- b. Bailey's Speech on the Rate Bill.—By Stanley Boykin, Ft. Worth.
- c. Refers Bailey Issue to Constituents.—Hon. E. G. Senter, Dallas.
- d. A Native Texan Speaks Out.—Judge George W. Riddle, Dallas.
- e. How Bailey Prosecuted Burton.—From Congressional Record.
- f. Jefferson and Bailey Contrasted.—Hon. A. S. Hawkins.
- g. A Deadly Parallel, Showing Bailey Deals and Dates.—Hon. A. W. Terrell, Austin.
- h. Bailey, the Most Dangerous Man in Public Life.—Ex-Congressman J. V. Cockrell.
- i. The Political Boss.—Hon. W. O. Davis.
- j. Bailey and His "Doctrine of Hate."—Cone Johnson of Tyler.
- k. Our Modern Caesar.—By Hon. E. C. Gaines, Comanche.

BAILEY SUPPORTS THE ALDRICH CURRENCY MEASURE.

Address by F. M. Ethridge of Dallas.

WAXAHACHIE, TEXAS, December 29, (Galveston News, Dec. 30), 1906.

Mr. Ethridge said in part: "I am here to say in accordance with my honest convictions that just so certain as there exists in this commonwealth an enlightened and awakened public conscience, just that certain Joseph W. Bailey will continue misrepresenting Texas in the Federal Congress," he continued, and there was applause. "By the eternal, the history of Texas abounds in illustrious men who never brought a blot upon her honor, who never had to be whitewashed, who never had to make a Don Quixote campaign against his own record, until Joseph W. Bailey appeared upon our political horizon." (Applause.)

"When the attorney General of Missouri stuck a knife into Standard Oil he drew blood from J. W. Bailey, didn't he?" the speaker asked, and there were cries of "Yes" and applause. "When Attorney General Davidson stuck his knife into the Standard Oil company he brought blood from Bailey, didn't he?" (Cries of "Yes," "You bet," and "He sure did.") I defy you to stick a knife into the hide of a Standard Oil animal without getting blood from Bailey." (Applause.) 'But I have always voted right,' he says. (Applause and jeers.) That sort of rot has gone on about long enough. I say that in National legislation the trend of which was adverse to the interests of the Standard Oil company Bailey lined up with Burton, Depew and Aldrich. (Applause.) I am going to prove it, I want it put in the papers and I challenge Bailey on it. I am not saying anything I can not prove and I don't want to take any baths in the winter time in the Gulf, either. (Applause.)

"In 1901 he got whitewashed. Under what circumstances? Current history has it that these people were trembling in their boots. It transpired that Henry Clay Pierce—God pity the people who gave him the name of that grand old Roman of Kentucky!—that Pierce had to go to Europe and that Sibley was in Mexico during that investigation. Where are they going this time? Is Bailey going to give us any assurance that he will endeavor to secure their presence before the legislative investigating committee? Will he? (Cries of 'No.') Well, after they had whitewashed him in 1901 he got quieter for a time; but later on his boldness returned. It transpires that in 1903 Mr. Bayne of the Seaboard National Bank of New York, notoriously known as a Standard Oil bank, conceived the idea of giving Joseph W.

Bailey \$5,000 to draw a charter, which he had some lawyers go over afterwards. It so happens that in 1903 a bill was introduced in the Senate of the United States relating to the public money, introduced by Aldrich, whose daughter mated with the son of John D. Rockefeller, and who represents the Standard Oil company in the Senate. This bill was to authorize the Republican Secretary of the Treasury to loan to National banks \$400,000,000 out of the Treasury upon such securities as this Republican Secretary deemed ample and sufficient at $1\frac{1}{2}$ per cent interest. The grand and noble Senators from the South fought it manfully. What did Bailey do? Some years ago when the farmers, sometimes Populists, conceived the idea of having the Government loan them upon the security of their cotton and other farm products, this man Bailey denounced the proposition as anarchy and fought it like a circular saw. In the name of God, when this proposition came up to loan \$400,000,000 to the National banks of Wall Street at $1\frac{1}{2}$ per cent interest, are you prepared to believe that he went shoulder to shoulder with Aldrich; that he fought Bate, Berry, Culberson, Morgan and Pettus; that he was the only Democrat to line up with Aldrich, Burton and Depew? (Applause.) Talk about him always voting right! It was a nice time to be getting \$5,000 from Bayne; but Bailey said in his debate with Crane that he only had one business transaction with Bayne, and that it was a teeny-weeny matter.

"It strikes me there was some principle in this matter when this bill desired by the Standard Oil interest was pending, when Bailey lined up with Aldrich and against Democratic principles, and against Southern Senators. Three years had elapsed since he was whitewashed, and we had begun to feel more secure concerning the trust imposed upon him by the people.

"On page 3,145 of the Congressional Record, second session, of the Fifty-Seventh Congress, March 2, 1903, one of the Senators took the position that this bill would make a private use of the public funds. Bailey said he could not quite understand what the Senator meant, and as he was supporting the bill, he wanted to ask a question: 'Does he believe it is devoting to his profit and use the money of the depositors in his bank when they deposit there?' was Bailey's question, followed by the remark that the Senator had told them he was interested in a National bank. The Senator answered that if this was to be a temporary deposit, as the senator from Texas said, a temporary deposit that could be withdrawn next week, there was no purpose in the legislation.

"The only way the Democrats could defeat this bill was by filibustering against it. They did so, but this record shows that Bailey got into unpleasant argument with Bate, McLaurin and the Senator from Georgia. The Democrats regarded the bill as an odious measure. They were afraid to let it come to a vote. In that situation, instead of adjourning, Aldrich, believing he could pass the bill with the aid of Bailey, made a motion to take a recess from 6 o'clock to 8 o'clock p. m. for the purpose of rushing the bill through at a night session. They took a vote upon the motion to recess. Senator McLaurin of Mississippi (page 3,154 of the same Congressional Record) called for the ayes and noes on the motion of the Senator from Rhode Island (Aldrich). *He wanted to put the Democratic sheep who had strayed off on record.* And here on the same page are the ayes and noes. Those voting aye for the motion of Aldrich were Aldrich! Alger! Bailey! (Applause.) 'Always voted right.' (Renewed applause and cheers.) Why, Great God, if I could quit my practice for thirty days and nose around in that Record there is no knowing what I might find."

Mr. Etheridge continued reading through the list of Senators who had voted for the Aldrich motion until he reached Depew, when he stopped long enough "to take a breath of pure air." He declared that the efforts of the Democrats for the cause of good government would all fail until they should rise up and fumigate the Senate house.

"From a state like New York, with Platt and Depew, we cannot expect much," said he, "but when imperial Texas with her honest and unpurchasable yeomanry takes up one of her sons, either native or adopted, and elevates him to that exalted position, they expect and demand of him that he shall wear the mantle of Houston,

Hemphill, Coke, Maxey, Reagan and our Culberson. (Applause.) And they are not going to be satisfied with any man, no matter what his mental attainments, if he does not wear that mantle. A great intellect, when its energies are expended in the wrong directions, becomes a great engine of oppression."

Mr. Etheridge continued reading the names of Senators with whom Bailey voted upon the motion in question until he reached Dryden and Elkins, exclaiming at the evidence that a Senator from Texas should be "hooked up" with them.

"And yet Bailey said that 'this fellow Etheridge' committed the unpardonable sin by voting for McKinley," he continued. "Well, I have never hooked myself up with Aldrich and Depew and Elkins to loan \$400,000,000 of the people's money at 1½ per cent interest to the banks of the Standard Oil company. (Applause.) Mr. Bailey's attitude was that if the people got any of this money from the banks they could not get it as he does, but would have to put up security and pay a larger rate of interest. (Laughter and applause.)

HOW BAILEY STANDARDIZED THE SOUTHWESTERN OIL COMPANY.

"How did he rope in the Houston Oil company and the Southwestern Oil company? With that \$156,000 they bought in the obligations of those companies. He took the note of the Southwestern Oil company with a provision in it that when he deemed the security insufficient he could foreclose. Within a few days he got restless; he knew that the company had no more securities to put up and he had Andrews & Ball file a suit for him against the company. Andrews & Ball are great Bailey men today. All these properties were then turned over to Bailey. Then H. Clay Pierce wrote to his general agent at Dallas and said: 'Mr. Clem, you are advised that we now own the Southwestern Oil company and will run it as a blind tiger (laughter), but all agents will report to you.' The Southwestern men had an office in Dallas and three wagons running in that city, and it had wagons in the other cities of Texas and was offering some competition; but by indirection, by this circuitous move of Bailey, it was brought into the Standard Oil camp, and, by the eternals, the people are paying the fiddler. (Applause.)

"If Bailey were to deed all his property to the State of Texas and pay over every dollar of his money to the State; if he were to change his ways and devote his splendid abilities all the remainder of his life to the people of Texas, he could not repay the damage he has inflicted upon the people of Texas." Applause and cries of "That's the truth!" "That's Scripture.")

BAILEY'S SPEECH ON THE RATE BILL.

By Stanley Boykin of Fort Worth.

The public has lately heard so much of Mr. Bailey's speech on the "Rate Bill" as it is called, made in the United States Senate on the 10th day of April, 1906, and there is such a general lack of knowledge, and such misapprehension upon the part of the public as to what occasioned the speech, as well as its subject matter, that I have concluded to discuss the facts, as far as may be necessary to a full understanding of the question.

The Senate had under consideration a bill originating in the House, to amend "An Act to Regulate Commerce, approved Feb. 4th, 1887, and an Act Amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission." The bill had passed the House in a very imperfect form, having been crippled by amendments until it was, perhaps, worthless. Mr. Roosevelt favored an effective law on the subject, but the Republican leaders in the Senate were opposed to the measure—being attorneys of the interests most affected, such as interstate railways, Standard Oil and other trusts which had profited by rebates and discriminations—and the President selected Senator Tillman to take charge of the bill in the Senate, in the hope of getting it through that body in the best possible shape. It would seem from what appeared in the public prints at the time, and since, that Mr. Bailey either wanted to be selected as the leader or to be associated with Mr. Tillman; but Mr. Roose-

velt, being a shrewd judge of men, doubted Mr. Bailey's sincerity and so said publicly, declined to trust him with his confidence in the matter. Time has vindicated the wisdom of the President. *He, perhaps, at that time knew more of Mr. Bailey's connection with Standard Oil and the railways than the general public then knew.* Roosevelt had too great an insight into human nature to trust a man who was receiving large sums of money from affected interests, and who then had charge of the securities of the Tennessee Central Railway Company, to take the lead in passing laws opposed by such interests. He did not believe in the doctrine, since so industriously propagated by Mr. Bailey and his chief supporters *that a man can serve one interest for large pay, grow rich in its service, and then "vote right" on a measure to which that interest is opposed.*

But I digress. Mr. Bailey, who had, so far, taken no very active interest in the matter, so far as the public is informed, on the occasion in question, offered or proposed to offer, an amendment to the bill, as follows: "Provided, however, that no rate, or charge, regulation or practice, prescribed by the Commission shall be set aside or suspended by any preliminary or interlocutory decree or order of the court." Meaning that the Federal Courts in which injunctions might be sought to restrain the action of the Commission in fixing rates, etc., should not grant an injunction in the first instance. The amendment also provided that such cases should have precedence in the courts over all other cases, and provided a speedy way in which they could reach the Supreme Court of the United States for early decision.

To illustrate: The Interstate Commerce Commission under the act was given the power to fix rates on interstate railways, and if the amendment had been adopted and the Commission had fixed a rate on a commodity, say from New York to Texas, and the railways objected to the rate on the ground that it was unreasonable, the railways could not have procured an injunction from a federal court enjoining the Commission from enforcing the rate until the Supreme Court, on appeal, had decided that the rate was unreasonable and that the railways were entitled to the injunction.

While there are two sides to this question economically and politically, and while it may be assumed, for the sake of argument, that such a law would be advantageous to the public, yet we are confronted with this question at the very threshold of the consideration: Would such a law be constitutional? That is, can Congress pass a law and then take away the constitutional jurisdiction from the courts called upon to enforce and construe that law? The answer, we must say, is No.

It is axiomatic that the legislative department of the government cannot take away from the courts the jurisdiction and powers vested in them by the constitution. This doctrine is now settled and established by every court of last resort in the United States without an adverse decision.

Mr. Bailey's proposition, printed on the front page of his speech, is, "The power to create and the power to destroy must, in the nature of things, include the power to limit and control." While this may sound very well as a figure of speech, it is entirely fallacious when applied to the matter at issue, and to a consideration of our three divisions of government, each of equal dignity and independence.

The constitution of the United States empowers Congress to create certain courts and the constitution itself gives those courts their jurisdiction when created, in these words: "The judicial power shall extend to all cases in law and equity arising under the constitution and laws of the United States, etc." It will be seen that the constitution fixes the jurisdiction of the courts and the congress has nothing to do with it. Now, of course, the congress can create the courts authorized by the constitution and it may be that it can destroy, that is, abolish such courts at will when created; but when they are once created, and as long as they exist, it is not in the power of congress to take from such courts the jurisdiction vested in them by the constitution, and that jurisdiction, in this instance, in part, would be to issue injunctions and restraining orders when called upon to do so in enforcing and construing the law in question.

That the legislative body cannot divest a court of the powers given it by the constitution is well illustrated by the case of *ex parte Ginochio* appealed from Tarrant

County and decided by the court of Criminal Appeals of Texas reported in 30 Tex. App., 584—18 S. W., 82. In that case the question was this: The legislature of the State of Texas had granted the city of Fort Worth a special character in which it was provided: "That the City Court of the City of Fort Worth shall have exclusive jurisdiction over the violations of the Sunday law within the corporate limits of the city, between the hours of 12 o'clock Saturday night and 9 o'clock Sunday morning and between the hours of 4 p. m. Sunday and 12 o'clock Saturday night."

The court of Criminal Appeals held, in one of the ablest decisions ever rendered by that court, that the act was unconstitutional in that it undertook to deprive the justices courts of the Jurisdiction given them by the state over violations of the Sunday laws, the penalty being not less than \$20.00 nor more than \$50.00 in such courts, under the constitution, having jurisdiction in misdemeanors, where the penalty did not exceed a fine of \$200.00. Many cases are cited in the opinion supporting the conclusion of the court, and none against it, as none existed. We quote from one of the cited cases:

"By Sec. 14, Art. 6 (of the Constitution of Mississippi) original jurisdiction is conferred upon the Circuit Courts of the state in all criminal matters, and such jurisdiction cannot be withdrawn by the legislative department of the government. The legislative, the executive and the judicial departments are each protected by the constitution against encroachments by one another, and the power conferred upon either cannot be withdrawn by either or both of the co-ordinate branches. If the legislature may withdraw from the courts the jurisdiction conferred upon them by the constitution in one class of cases it may withdraw it from another and another until finally there would be no subject over which it (jurisdiction) might be entertained." *Montross vs. State*, 61 Miss. 429.

The power to "limit and control" does not seem to be recognized here, and it never was recognized in any like case in this country. All the talk about Mr. Bailey's speech being unanswerable and that the republicans were dismayed and held a caucus to select a man to answer him, and that, when a man was selected, he declared he could not do it, is pure fiction. *His speech was answered, and by a friend of the bill. His colleague, Mr. Culberson, in a short, dignified, and statesmanlike speech answered Mr. Bailey, demonstrating that the amendment, for the reasons above stated, was unconstitutional, and if adopted would perhaps endanger the whole bill.* That the enemies of the bill would have been glad to have had an amendment tacked on to it that would have caused the courts to hold the entire bill unconstitutional goes without saying, and that such tactics are frequently resorted to by the opponents or secret enemies of a bill is well known. But in this particular instance the amendment was so palpably unconstitutional that it is hardly probable that anybody at that time gave it serious thought.

Some of Mr. Bailey's opponents have charged that on account of his affiliation with the trusts and railways that he was endeavoring to get an amendment adopted which he knew to be unconstitutional and which he hoped would destroy the entire bill. This accusation may be unjust. In the first place, Mr. Bailey knew that there was not the slightest probability of the amendment carrying, and, as he had taken no very active part in the matter up to the time (perhaps on account of the affiliations mentioned), and as he is always itching for notoriety, the probability is that he only wanted to make "a big speech" and one that would be entirely harmless in its effects. In fact, the most of the speech as printed, seems to have been made to the galleries and was entirely foreign to the subject under debate. It expressed sentiments and principles very different from those since advocated by him, and which he seems now to hold in contempt. I will quote the concluding part of his speech, and let the reader judge of this for himself.

BAILEY'S PRAYER.

"I pray for the time to come when we shall have a new and loftier standard to guide our children; when we shall teach them that justice is better than power, and lead them into the ennobling faith that truth shall conquer falsehood in every

home where peace abides and in every land where men are free. Under the influence of higher ideals and more *unselfish* aspirations *all hate and envy will vanish from our minds and the only evil thought which still must vex us will be the malice which the bad shall forever feel toward the good.* When conduct, instead of fortune, is made the rule by which we judge all men, then every boy in this fair land, no matter how humble his parentage or how limited his opportunity, will feel the thrill of hope, and the carpenter's son will know that, if only he is just and brave and honest, he will be more respected than the son of any millionaire who ever wasted his father's fortune in idle dissipation or soiled his father's name by gross excess." (Applause in the galleries.)

The connection between this fustian (sometimes mistaken by the ignorant for oratory), and whether or not a federal court should issue injunctions in certain cases is not apparent. If the *sentiment* expressed was "argument," of course it was unanswerable."

Now compare the sentiments of this speech with a speech made by this same Mr. Bailey in the Senate later on, after his connection, in part, with H. Clay Pierce and his ilk become known, wherein he declared: "I despise those public men who think they must remain poor in order to be considered honest," being the same speech in which he expressed such contempt for men who prefer to die poor than gain riches by means which might affect their honor! But *now* we have *the real Bailey*; then (April, 1906) we had Bailey feeling good, with his pockets bursting with trust money and thinking nobody knew it or ever would know it.

The trouble with Federal courts is not that they have too much power but that they abuse the power which the constitution gives them, powers which are necessary to a proper administration of law and justice among men, and this comes from the character of men appointed by the presidents of the United States to the Federal bench. With few exceptions, federal judges are simply removed by the president from the service and pay, as attorneys, etc., of the railroads and trusts, and through their influence, to the federal bench. Could it be expected that they would then case serving their old masters? There are two remedies: One is to pass a law prohibiting the president from appointing such men to the federal bench. Would Mr. Bailey vote for that law? No. It would even disqualify *him* for such position. Another is to impeach every federal judge who abuses his power in issuing injunctions and appointing receivers in like matters. Would Mr. Bailey vote for that law? No. It might be first used against judges who abuse their power in the interests of his own "dear friends" among the trustmasters and law breaking and law-defying railroad officials.

The great remedy that the people have, however, in their own hands, is to remove all such men as Bailey from the halls of congress and place men there who will pass laws remedying the great evils under which we suffer, not only at the hands of federal judges, but at the hands of law breaking and law defying trusts and railway officials and managers, and thus avert the evil influences that now threaten the very foundations of our institutions.

STANLEY BOYKIN.

Sept. 12, 1907, Fort Worth, Texas.

JOS. W. BAILEY, STANDARD OIL AND THE RATE BILL "JOKER."

The Dallas News (Dec., 1906):

One reads that public men in Washington fear there may be some merit in the contention of the Standard Oil company's attorneys that that corporation was indicted under a law that was defunct at the time the complaints were drawn. We are told that, when this allegation was made by the trust's lawyers in a demurrer to the Government's pleadings in the Chicago cases it excited little concern, for it was thought to be a desperate effort of men to escape just as the law was closing about them. Later District Attorney Sims of Chicago, who is immediately in charge of the prosecution of these cases, came to Washington, and he has spent his time in making an investigation to determine whether there is in fact that hiatus in the anti-rebate statutes through which the Standard Oil company hopes to escape. The mere

fact of his arrival for the first time aroused public men to the fear that perhaps an egregious parliamentary blunder was made.

The News has been requested to repeat the circumstances and the results of the mistake upon which the trust now depends for acquittal. The story, as taken from the Washington paper, is as follows:

The attorneys for the Standard Oil company, in cases being tried in Chicago, claim immunity for their clients because of a hiatus between the time when the Elkins law was repealed by the railroad rate law and the adoption by Congress of the joint resolution extending the time sixty days when the law was to become operative.

The ostensible purpose, and the real intent of Congress, was to enable the railroads to become acquainted with the requirements of the new law. The joint resolution went over one day before being acted upon, and this, the lawyers say, created a hiatus of twenty-four hours when there was no law in effect. The rate law provided for the repeal of the Elkins law, but stipulated that cases then pending should be prosecuted to a conclusion under laws existing at that time. On page 9522 of the Congressional Record, of the proceedings of June 28, 1906, appears the following:

"The Vice President—Is there objection to the present consideration of the joint resolution just read?

"Mr. Bailey—I suggest that an easy way out of it would be to allow the joint resolution to remain pending, and if the conference report is adopted in the Senate tomorrow, then, after the rate bill is sent to the President for his approval, this joint resolution can be passed through both houses.

"Mr. Tillman—It has got to be approved, too.

"Mr. Bailey—It must be approved.

"Mr. Cullom—It can be taken up and passed by the Senate immediately after the conference report shall have been adopted.

"Mr. Bailey—It can be passed here, and the President, of course, would be communicated with, and he would not sign the bill until the joint resolution comes to him; and he can sign both at the same time."

The joint resolution, at Mr. Bailey's suggestion went over: It is now alleged by some that this suggestion of Mr. Bailey caused the condition of affairs upon which immunity is now claimed.

Quotations from the Congressional Record seem to bear out this view as to the effect of Senator Bailey's suggestion; but this is not the only unfortunate mistake he has made, his stanchest organs being witnesses.

E. G. SENTER REFERS BAILEY ISSUE TO CONSTITUENTS.

Sunday's Times-Herald.

Hon. E. G. Senter, state senator-elect from the district comprising Dallas and Rockwall counties, has given out the following letter to his constituents explaining in detail his position in the matter of electing a United States senator. Mr. Senter's letter in full is as follows:

Dallas, Tex., 15, 1906.

To the Democratic Voters of the Sixth Senatorial District:

The disclosures relating to Mr. Bailey which have been made public since the primary election create a condition without a precedent. Under similar circumstances, any conscientious judge would grant a new trial in a case pending before him. There are abundant evidences of a strong public demand for a rehearing in the senatorial matter, and believing that this issue is one which should be settled by the Democratic voters of the state rather than by the members of the thirtieth legislature, I beg to submit to you the question whether, under the changed conditions, you will now instruct me to vote for or against Mr. Bailey for United States senator. I do not undertake to say how your will should be expressed, but beg to suggest that it can be ascertained, without serious inconvenience, through mass meetings or local primaries. Inasmuch as the time for action is short, I take the liberty of suggesting further that whatever steps you may choose to take should not be deferred later than Saturday, December 29th.

The claim that Mr. Bailey has a vested right to the senatorship by reason of the action of the Democratic primaries and state convention must be considered as any other claim of title. If it is proposed to stand upon technicalities, the answer is that the people's forum only acts as a court of equity. If an equity is asserted, the claim must come with sufficient proof of clean hands, and that is the very question at issue.

It would be a cowardly evasion of my plain duty if I did not advise you of my own convictions touching this matter.

LEE'S SUBLIME EXAMPLE.

Up to the time of the publication of the evidence in the possession of the attorney general, and the subsequent admissions by Mr. Bailey, I was committed to the view that loyalty to Democratic precedents required that every doubt should be resolved in his favor, and in my own mind I have labored long and earnestly to convince myself that I could, without doing violence to my own convictions, make reasonable and satisfactory explanation of the transactions which have lately come under review. The result is, after mature deliberation, that I now come to make public confession of my own mental pettifoggery. All the years of my life have been given to the advocacy of another kind of gospel. From infancy I was taught that Robert Lee's sublime self-abnegation and self-chosen poverty set a historical standard for Southern leadership, which no man had dared or would ever dare to trample in the dust. Fortune-getting I believe to be incompatible with a zealous and faithful administration of a public trust. The fact that Mr. Bailey has risen, within the brief space of six years, from admitted poverty to affluence, while his time belonged wholly to the public, is a circumstance that in the case of any official, should call for full and candid explanation. Has this been done by Mr. Bailey? Let the record speak for itself:

The public was assured that it had been put in possession of the whole truth when this subject was under investigation six years ago. Did Mr. Bailey deal candidly with the public at that time?

In his late speech-making tour through Texas to explain his connection with the Waters-Pierce Oil company, Mr. Bailey assumed to tell, with emphasis, the full history of his connection with that company. Did he then deal candidly with the public?

Has the public yet been taken into the full confidence of Mr. Bailey, and have all of the transactions of the same general class as those under review been disclosed? Has the account between him and Pierce and his associates been closed, and is Mr. Bailey ready to make an exhibit of the whole to the public eye? These questions are pertinent in view of the slow and tedious processes by which all that the public now knows about this matter have been revealed.

The truth is that all that he has disclosed about the matter has been in belated explanation of some fact which found its way to the public over his violent protest.

THE ADMITTED FACTS.

A legislative investigation has been called for, but nothing it could unfold would affect the moral force of these admitted facts:

1. That Mr. Bailey undertook to act as the interceding friend of the Waters-Pierce Oil company upon no greater evidence of its innocence than a letter of introduction delivered to him by Pierce and written by David R. Francis, whose identity with law-defying and trust-promoting interests was at the time notorious.
2. That concurrently with the friendly service which he rendered to the Waters-Pierce Oil company, Mr. Bailey began to borrow large sums of money from Pierce, that these loans were increased, and that they have, apparently, been discharged by fees charged against Pierce and his associates for subsequent services.
3. That the group of financiers surrounding Pierce have, since the re-entrance of the Waters-Pierce Oil company into Texas, paid enormous fees to Mr. Bailey which, in the cases disclosed to the public, have been wholly out of proportion to the services rendered, measured by the customs of this state.

4. That Mr. Bailey's reputation as a lawyer was as well established prior to 1900 as thereafter, but that the group of financiers whose clientage brought him wealth did not, as far as the public is advised, seek his counsel or services until the Waters-Pierce Oil company re-entered Texas.

It is contended that these controlling facts show nothing more than indiscretion. If that be true, the reply is that there are offenses against the public weal, and this is one of them. It is also true that the case here presented exhausts the possibilities of proof, whatever might be the circumstances.

The special interests which seek to coax or to lure a public servant into their camp do not commit the folly of making vulgar propositions. The most that can ever be charged or proved against them is that they place Aladdin's lamp in the hands of the official upon whom they have designs and bid him gratify his lust for wealth.

If Mr. Bailey was insensible to the meaning of the extraordinary favors showered upon him by Pierce and his associates, can he be safely trusted with the vast responsibilities which rest upon a representative of Texas in the nation's highest parliament? If he divined their purpose and took those benefits with the concealed design to render no reciprocal services, is he longer worthy either of their confidence or of ours?

We cannot shut our eyes to the significance of the fact that the publication of documents in the hands of the attorney general brought the reluctant admission from the general counsel of the Waters-Pierce Oil company and also from one of the attorneys for the state in the prosecution against it that a large sum of money was paid by the company to the attorney for subsequent services.

It is clear from the evidence which has been published that both Pierce and the Standard Oil company understood that these transactions with Mr. Bailey were based upon his services in behalf of the re-admission of the Waters-Pierce Oil company. The transfer of Mr. Bailey's obligation by Pierce to the Standard Oil company and the entries made upon the records of that company declaratory of these transactions are proofs indisputable of the underlying motives by which they were both actuated. These records were made long ago and were not intended for the eye of the public. They are against the interests of both Pierce and Standard Oil, and it must be assumed that they speak the truth as far as these parties are concerned. It is urged that Mr. Bailey is not responsible for the transfer of his notes by Pierce to Standard Oil. Very true. But he is chargeable with notice of Pierce's understanding of the nature of the transactions between himself and Pierce. It is difficult to believe that a man of Pierce's experience could have been misled touching a matter of this sort. He was many times a millionaire and did not need to discount Mr. Bailey's notes in order to raise funds. He is not charged by any one with being such a penurious trickster as one who would have been who unloaded these obligations upon Standard Oil upon false pretense for the purpose of casting a loss upon it which might otherwise have fallen upon himself.

WANTS INFLUENCE UNIMPAIRED.

Texas is entitled to a weight and influence in congress unimpaired by personal embarrassment on the part of either of its representatives. It must be apparent to every candid mind that Mr. Bailey's influence as a senator is gone. His re-election would furnish the enemies of Democracy with lamentable proof of our own laxity of view with respect to our own shortcomings, but it could not rehabilitate him as a national leader. The best evidence that our national standards are still unsullied is given by the fact that no man can long fill a conspicuous place in the confidence and affections of the people of this country unless he wholly eschews the hunger and thirst for wealth.

Another potent reason why I believe Mr. Bailey's course should not be indorsed is that such action would be, in effect, a general license to public officials, the evil results of which would not be slow to manifest themselves in the public service. If Mr. Bailey can do these things and escape censure, why should others hesitate to follow his example? Can it be doubted that such a precedent would sow dragon's teeth in every county in this state?

Shall we permit a lower standard of conduct to a United States Senator than would be tolerated in a minor official?

If a district judge should quickly pass from poverty to wealth as the result of favors from a syndicate of financiers who had profited by his action on the bench, could words express the public indignation which would be felt upon the disclosure of the transactions?

In its broadest phases—as it may affect official conduct and public sentiment in this state, and as it may shape the ideals of the young men who are coming on and must soon take up the control of public affairs—this is a moral issue. Its disposition is of supreme importance, not only to Texas, but the Republic, because it is the first case since the beginning of the government that such transactions as have been traced to Mr. Bailey, on the part of a United States Senator, have been presented as they are presented here for approval or condemnation by a sovereign state. If upon such an issue Texas shall not be found upon the side of sound and wholesome public morals, well may the thinking American tremble for the future of this country.

It is a palpable evasion of the issue to declaim against those who have been instrumental in making these transactions public. The skillful lawyer always expends his indignation upon the witness who has brought his clients to the bar, but the intelligent juror understands that the quality of the client's act must be measured by a standard that is not varied by the mechanism through which the law travels to its facts. A faithful public servant has no occasion to quarrel with those who turn the calcium upon his inner life, and their reasons are wholly irrelevant to the question whether his acts should be approved or disapproved.

GRAVER QUESTION INVOLVED.

There is a graver question here involved than Mr. Bailey's future. His conduct has placed in jeopardy the future of the Democracy of the nation. He has, at the national capital as well as in Texas, defiantly announced that he intends to continue in the course for which he is now arraigned. His re-election is sought as a vindication of his conduct. This puts the issue squarely. He himself has made it impossible to elect him without giving full and emphatic approval to all that he has done, and in view of his attitude with respect to the matter, who can doubt that he would so construe a re-election? To give him a clear acquittance is to make a jest of every sentence touching unlawful trusts and public morals that will be written in Democratic platforms in the next national campaign. It would make Texas and Bailey the fruitful theme of every Republican orator who shall take the stump against Bryan in 1908, from Maine to California, and we delude ourselves if we imagine the effect will not be serious to the party. Will such an example tend to invite the confidence of thoughtful voters in doubtful states? Can the Democracy of the nation point to the senate unabashed with Mr. Bailey there? This question, it should be remembered, will not be answered by personal friends and partisans, but by the millions of silent voters of the land who hold no briefs for any leader, but who in the quiet of their homes, mindful of no influences save God and country, take counsel with their own consciences.

Beyond all questions of party stands out plain and luminous the fact that we cannot approve Mr. Bailey's conduct without approving wrong for which no penance has been done and no apology has been made. The personal affection which now seeks with all its arts and power to shield him is almost as magnificent as a mother's unquenchable love. He must be dead indeed to the richness of human friendship who can witness without a throb of sympathy the enfolding kindness which it now throws around Mr. Bailey—a touching witness to the greatness which he has so recklessly sacrificed. But while this spectacle challenges our admiration, in the silence of the night, when God reigns and conscience speaks, there stands out luminously this admonition written across the face of the heavens: "For unto whomsoever much is given, of him much shall be required."

Respectfully,
E. G. SENTER.

A NATIVE TEXAN SPEAKS OUT.

(Address by Judge Geo. W. Riddle.)

Dallas, Texas, October 11, 1906, (Galveston News, October 12th).—At an anti-Bailey meeting, Judge Geo. W. Riddle spoke in part as follows: "I have no apology to make for speaking to you tonight. I am a citizen of this State and a native of it, and I am proud of it. I have a right to speak out when I don't think our servants act like they ought to. I am not a candidate for office and I don't expect to be, but I believe in good government. I believe the men who represent us should be clean.

"I have nothing against Bailey personally. It was my pleasure once to support him, and I regret that his conduct has taken the course it has. Had he pursued the right course he would have been one of the grandest men in the country. But he was like too many others—he couldn't stand prosperity. He had too many encomiums heaped upon him.

"I don't like the way he berated the people of this State. He brought all this agitation on himself. The people of this State have been good to Bailey. They have made him what he is, in a sense. You don't hear any of these tales about Culberson or Jack Beall. If you say anything against Bailey, he says you are a liar, a hyena, a slanderer and a maligner.

"I am glad we can stand up like men. I want this agitation to go on until we rid this State of H. Clay Pierce and his ilk.

"Bailey spews condemnation over every one. I would like to see him get some clear water and wash out his mouth and then take a bath—"

A Voice: In the Gulf of Mexico?

Judge Riddle: "Yes, in the Gulf of Mexico. Then I would like to see him take a little trip to Oklahoma, and I would like for him to stay there.

"The object of government is to protect the weak against the strong; to restrain the greed of men. Monopolies and trusts are an opposition to the Government. Its purpose is to crush out the Government. It won't do to have men represent you who have anything to do with this kind of thing."

Judge Riddle then entered upon a criticism of David R. Francis, H. Clay Pierce and John H. Kirby. He continued:

"Now, this change has got to come about. Some of his friends say the primaries. To hell with the primaries. Mr. Bailey's record doesn't seem to disclose what he got out of that Tennessee deal. I want to say that if he didn't get a quarter of a million dollars he ought to be convicted for selling too cheap."

Hon. W. A. Shaw of Dallas, editor of the Texas Farmer, and a well known newspaper and public man, delivered the following address:

"It seems to me that this is a question on which a fellow ought to make a talk without any preparation. It is a self-evident proposition. Crane laid down the proposition at Houston as it ought to be and as it is, thus! That no Senator or Representative has the legal or moral right to take fees from a corporation which his office imposes upon him the duty of controlling. That's all there is to it. Bailey is a mere incident, and he's an infernally small one. We have heard him discussed, but he is not the question to consider. What are we going to do in Texas to stop this practice? I enjoyed reading the debate at Houston, and I think the whole State of Texas owes Gen. Crane a debt of gratitude for getting into it, as he overcame a disinclination to enter the controversy. I am convinced that no motive led him to do so except that of patriotism. I think Bailey is the most altitudinous, superlative and monumental fool along certain lines that God ever put upon earth, and yet he is in certain respects the strongest man on the face of the earth. The Twenty-Seventh Legislature executed one of the most gigantic pieces of whitewashing ever instituted on the face of the earth when they vindicated him. I was a member of the Legislature. Three-fourths of the Texas Legislature were a lot of Bailey flunkys—a lot of legal kids. They ran over everything roughshod, and they vindicated Bailey when it was just as well known as it is now what he has done."

HOW BAILEY PROSECUTED BURTON.

Congressional Record, December 18, 1905, page 501.

"I believe the rule—the best and safest rule—is that when a senator finds himself compelled, by a sense of delicacy towards his associates, to absent himself from the senate, he ought to resign and give his people a chance to fill his place while the case against him proceeds, and, unless he represents a constituency unlike any that I have ever known, if he can vindicate himself against the charge they will call him back into their honorable service with renewed devotion to him. But if a senator so situated will not resign, the senate ought either to relieve him from the sense of delicacy which keeps him from the chamber or else it ought to relieve his state from the representation of a man that it will not allow to exercise the rights and privileges of his great office.

"There have been within the last ten years five indictments of senators, and each of those indictments implied a crime committed for the sake of money. It is time that the senate was testifying to the world that this is no place for a man who wants to make money illegally or unfairly, not to say dishonestly.

"If a man in an unfortunate personal encounter should be compelled to take the life of his fellowman, that might or might not unfit him to be a senator. It would depend entirely upon the provocation. It sometimes happens that high-minded men are compelled, by a sense of self-respect, to slay; but it never happens that a high-minded man attempts to line his pockets with dishonest gain.

"The only question in my mind for the senate to decide is whether the senator attempted to traffic in his great office. If he did, there is no justification for him; if he did not, we ought to certify to the world that he has been accused without sufficient reason.

"I protest against leaving the senate to suffer under the ribald jests of many good men while the court slowly proceeds with an inquiry which we ought to conduct and conclude without delay."

JEFFERSON AND BAILEY CONTRASTED.

(By Hon. A. S. Hawkins.)

Special to the News:—

Abilene, Texas, January 11, (Dallas News, Jan. 16), 1907.—The following open letter has been addressed to Senator J. W. Bailey by Hon. A. S. Hawkins:

Abilene, Texas, Jan. 11.—Hon. J. W. Bailey, Austin, Texas, in care of "the third House." I sent this letter in care of the "third House," which is composed of men at Austin engaged in lobbying in the main part on account of their corporation connections. It is for this reason that you are there, and in this connection I beg to suggest that if you had avoided the "appearance of evil" all this trouble might have been avoided.

I have propounded to your representative, Mr. Cunningham, a series of questions in which I asked him if he indorsed your actions in various matters complained of, and now in turn I ask you if you indorse the conduct of your representative in this matter, and I will also ask you if you indorse his course in making campaign speeches for the Populist nominee in McClellan County, who ran against your Bob Henry in his race for Congress.

CONTRASTS BAILEY WITH JEFFERSON.

Now, Senator Bailey, you must not imagine for one moment that I am mad with you personally, for such is not the case. I like you, but dislike your ways. I think you have done more to commercialize politics than any man of the age, and I say this without charging you with corruption, for I do not mean to be harsh. During the six years you have served in the Senate you have made out of corporations alone several thousand dollars, and at the same time have never appeared in a case in court, and on account of your prominence in the Democratic party, and your assumption as being almost all of it, I beg to quote in this connection what Thomas Jefferson, the

founder of Democracy, said with reference to such conduct as yours: (See Vol. 9, pp. 44, 45).

"Philadelphia, March 18, 1793—Dear Sir: I received your kind favor of the 26th ult., and thank you for its contents as sincerely as if I could engage in what is proposed. When I first entered on the stage of public life (twenty-four years ago), I came to a resolution never to engage while in public office in any kind of enterprise for the improvement of my fortune, or to wear any other character than that of a farmer. I have never departed from it, in a single instance, and I have in many instances found myself happy in being able to decide and to act as a public servant, clear of all interest, in the multiform instances that have arisen, wherein I have seen others embarrassed and biased by having got themselves into a more interested situation. Thus I have thought myself richer in contentment than I should have been in increase of fortune. Certainly I should have been wealthier had I remained in that private condition which renders it lawful and even laudable to use proper means to get it. However, my public career is now closing, and I will go through on the principles on which I have hitherto acted."

O tempore! O Mores! When elected to the Senate in 1901, in your speech of acceptance you said: "Unless we can soon save from the powerful and vicious influence that now dominates it, we will soon have no Republic to administer." As you said then, so I say now. In the same speech you said: "The influence of the Public servant who betrays the honor or the interest of his people, will outlive his generation." As you said then, so I say now.

THE BODY OF THE LETTER.

That you are, Senator Bailey, a distinguished man, no one will deny; that you are an able man all must agree; that you are a great man, I do not believe. True greatness is born of patriotism, baptised in libations poured out at freedom's sacred shrine; the music which charms her ear is not the jingle of the corporation coin, but dulcet tones which fall from the oracular lips of the Goddess of Liberty. You have wonderful mental resources, admirable tenacity of purpose and splendid gifts of oratory, and these are in my judgment the sources of your power; but no seraphim has ever seared your lips with a live coal fresh from the altar of the hearts of the people of Texas.

ON WHAT BAILEY'S FAME RESTS.

Your distinction is founded upon two things: Your race for the Senate on an "anti-expansion" platform and, second, "anti-injunction" amendment to the rate bill. Without under-estimating your fight in each instance, I will say that in each case it was predicted upon thoughts and ideas not original with you. As to "anti-expansion," I will say that as far back as February, 1893, I saw the tendency of the times and in order to anticipate the dangers, on the first day that the news of the revolution of Hawaii, came on the proposition to annex that country to the United States, I introduced in the House of Representatives an "anti-expansion resolution." (Journal Twenty-Third Legislature, page 215). This resolution was unceremoniously tabled, the only vote for it being the vote of its author. It lay on the table from 1893 until 1900 when you took it from the table and made it in effect your "anti-expansion platform," upon which you achieved your memorable success in the defeat of Hon. Horace Chilton, and this anti-expansion resolution in effect finally found lodgment in a plank in the National platform of the Democratic party. I was not offended at you for your action herein, but rather so elated on your stand in favor of the principles for which I contended that I announced for the House and was the successful candidate of those who ran, having been the only one of five in the race in favor of Bailey.

BAILEY'S ANTI-INJUNCTION AMENDMENT.

Your anti-injunction amendment to the rate bill, like your anti-expansion fight, involved no original thought. William Jennings Bryan and others had long stood out against "government by injunction," and in 1901, I, as a member of the House,

sent up and had adopted an "anti-injunction" clause to the school land law. (See School law of 1901, last clause of Sec. 5.) This amendment had for its object the prevention of oppression of settlers on school land in the far West, and succeeded admirably in its purpose and was to all intents and purposes a similar amendment to that which you tried to put on the rate bill and was unable to accomplish. I have always thought your amendment was a good one, but since it has come out about your securing \$156,000 at one time through Mr. Pierce for stock speculation purposes, and that you have seen checks on his desk a week at a time awaiting his signature, I have had some curiosity to know if you were "in the market" at the time that speech was made, and, if so, whether or not you were a "bull" or a "bear."

WHAT HAS BAILEY DONE FOR HUMANITY?

Since you have announced a number of dates to speak in my district I shall ask you to tell the people what you have done for Texas since you have been in the Senate. I ask you to point to a clause in any law that you put there which had for its object the lessening of the burdens of the taxpayers, or the relief of the citizens from the oppression of the Federal Government. I defy you to show any statute so passed, at your instance, for the betterment of the condition of mankind. It is true that you have helped the Kirby Lumber Company (in which you are now a stockholder) out of its difficulty and also helped a number of large stockmen in the Indian Territory and New Mexico in "holding down" their large ranch properties, and you have also made a number of splendid speeches, but what law have you put on the statute that will last as a monument to your memory, when your speeches have been forgotten?

BAILEY GIVES CORPORATIONS THE BENEFIT OF A DOUBT.

I charge that you have not only failed to pass any act of a remedial nature, but you have in each instance stood as a foe of practical reform. You opposed the Panama Canal, because the manner of its acquisition was offensive to your sense of political ethics. And I charge that your vote in reference thereto was in connection with the will of those railroad interests which opposed the bill. You opposed the pure food law on the ground that it interfered with the "rights of States," and your vote in this instance was in harmony with the wish of the packers and the trusts who cared nothing for the sickness and death being caused by the nefarious practices which the pure food law was aimed to prevent. You favored the Aldrich bill, though you were the only Southern Senator who supported this iniquitous measure, which had for its object the placing of millions of dollars of the people's money in the hands of the banks at 1½ per cent. interest. In your speech in the Senate on the bill you even objected to any interest being charged, and wanted that provision stricken from the bill. If the fact that Senator Chilton subscribed for himself weekly papers over Texas and this constituted a species of small bribery, according to your statement, I ask you what would you denominate it if you had succeeded in relieving National banks entirely from the payment of interest under the Aldrich bill, as you said ought to have been done. If you meant this money to be circulated, why was it not applied to the payment of the National debt? Was it because your association with all the "interests" had convinced you that such an amendment would cripple your influence with them?

Your decision that the Waters-Pierce Oil Company was not a trust is in line with all your conduct in the other instances above cited, and can only be explained by your own statement before the investigation committee that "Pierce convinced you that it was not a trust." The highest courts have held otherwise, despite your cribbling to the contrary. At the time Pierce made his statement to you that convinced you the oil company was not a trust he was known to be a fugitive from justice, under indictment in Texas and the head of an outlawed corporation, as well as a party at interest. You heard his testimony and received his money at the same time. His word was at a discount and his money alone at par. I will not attempt to say by which you were influenced in your decision which is resulting in the greatest wrong ever perpetrated on the people of Texas.

When you read this you will doubtless say that when you made your race for the Senate against Chilton you had never heard of an "anti-expansion" resolution, and that when you offered your noted "anti-injunction" clause to the rate bill you had never heard of my "anti-injunction" clause to the school land law. For the sake of argument, I am willing to grant it, and that you did not keep posted as to the routine of the Texas Legislature, but who kept you posted as to the McFall, Paulus and Grinnan bills, which had for their object the protection of the State's interests in these Waters-Pierce Oil cases? How was it that you borrowed \$8,000 from Pierce at the very time these bills were pending and left Washington hurriedly for Texas, just in time to prevent the passage of these bills by the Legislature?

In the Twenty-Third Legislature I was the author of the bill creating the Live Stock Sanitary Commission of Texas. In the Twenty-Seventh Legislature, of the school land law, under which millions of acres of land have been sold to actual settlers; in the Twenty-Ninth Legislature, of the depository law, which forces the banks to pay interest on the money of the people they had theretofore used for nothing. Besides this, I have been the author of various other laws of more or less importance. When you go through my district in your "march to the Gulf," I ask you to compare this legislative record with yours and show the people wherein I have been deficient as their faithful representative, and for what particular bill before named they should condemn me. If I have not procured more beneficial legislation from the Legislature of Texas during the three terms which I have been a member of it for my district than you have for the State of Texas during the fifteen years you have been in the Federal Congress, I ask not to be returned to the Senate.

Respectfully,

A. S. HAWKINS.

A DEADLY PARALLEL, SHOWING DEALS AND DATES.

Deadly Parallel Between the Dangers of "My Dear Pierce" and His Loans to a Texas Senator—A Medal for the Credulous.

(By Hon. A. W. Terrell, Ex-Minister to Turkey).

1. On the very day when the mandate of the supreme court of the United States was filed here in Austin, which declared that the Waters-Pierce Oil Company was a trust, Mr. Bailey, whom Pierce knew would soon be a United States Senator, borrowed (?) from Pierce \$3,300. (See mandate on file in the capital and date of Bailey's note, April 25, 1900).

2. Mr. Bailey was a stranger to Pierce. Chilton was no longer a candidate—Bailey would soon be a United States senator and then he would be valuable to "the interests." Pierce wanted influence—Bailey wanted money. Then and there Bailey said to Pierce: "If you will convince me (me, Joe Bailey), that your company is not a trust and will agree to come to Texas and take an oath to obey the laws, I (I, Joe Bailey), will undertake to say that you will have no trouble with the officers of the state.

(Sworn statement of Bailey on January 20, 1901, House Journal, page 146).

Mr. Bailey and Pierce were next seen together at Austin in the very capital where the mandate of the supreme court was on file and which decided that the Waters-Pierce Oil Company was a trust. Henry had already warned Bailey that he was satisfied and could prove that the Standard Oil Company was interested in the Waters-Pierce Oil Company. (See testimony before investigating committee).

Now, what persuasive influence did Mr. Pierce use to convince Joseph Bailey that the supreme court of the United States was mistaken? This inquiry is interesting. Mr. Bailey was convinced that Pierce was all right, and the supreme court of the United States was wrong, for he advised Pierce how he could still do business in Texas. Pierce followed his advice, and that oil company has been plundering our people for six years with a robber trust that has paid between 600 per cent. and 700 per cent. on its stock every year.

3. On the very day (March 1, 1901), when Senator Paulus introduced in the

senate the McFall bill to cancel the permit of the Waters-Pierce Oil Company, it being the very day when the house committee recommended that the McFall bill should pass, Pierce loaned Mr. Bailey \$8,000 without interest. Of course Pierce was alarmed. (See date of \$8,000 note and Senate and House Journals of March 1).

4. Mr. Bailey was sworn in as a United States senator four days afterwards, on the 4th day of March, 1901. But, just five days after that (on March 9th), and before he had got warm in his seat the Washington correspondent of the Dallas News telegraphed: "Bailey leaves for Texas tomorrow." (See Dallas News).

That paper on the 14th of March contained the following: "Mr. Bailey's warm friends say that he is coming home to fight the Paulus and McFall bills." Those bills were to cancel permit of the Waters-Pierce Oil Company to do business in Texas. (See Dallas News of March 14, 1901).

5. The Dallas News of March 14th, 1901, contained the following from its Austin correspondent: "Mr. Bailey's friends in the legislature consider the news that he is on his way to Austin to help the Waters-Pierce Oil Company by fighting the McFall bill, a serious political blunder. They say they will meet him on his arrival and suggest that he go home." (See Dallas News).

6. "J. W. Bailey arrived in Austin to oppose McFall in his effort to drive the Waters-Pierce Oil Company out of Texas." (See special to the News, March 14, 1901).

7. March 27: "McFall's bill to drive the Waters-Pierce Oil Company out of Texas was called up and the house refused to make it a special order by a vote of 58 to 37." So it died on the speaker's table. (See House Journal of March 27).

8. March 28: "Bailey ran up to Gainesville, and so the very next day (March 28), after the defeat of McFall's bill, to drive a robber trust from the State, Joseph W. Bailey wrote to H. C. Pierce as follows:

"Gainesville, Texas, March 28, 1901.

"Mr. H. C. Pierce, St. Louis, Mo.

"My Dear Pierce: Send me New York exchange for \$1,750. Have it made payable to my order so that it will not be necessary for you to indorse it. Send it at once, I ought to have had it several days ago.

J. W. BAILEY."

"Send it at once!" This was not the courteous language of a gentleman who was requesting a loan. It sounds like a demand. The words "I ought to have had it several days ago" are words of complaint for not getting it sooner, and why complain? unless Pierce knew that Bailey was entitled to his money?

There is too much in this deadly parallel between the dates when Pierce wanted influence and the dates when Bailey borrowed money to be accidental.

Joseph W. Bailey when first elected was a poor man—now he is rich. The evidence reveals him now as the owner of storehouses and stud horses, cattle ranches and blue grass farms, with large stock in the Fort Worth Record. While receiving fees amounting to hundreds of thousands of dollars from public service corporations without ever entering a courthouse he became the agent for railway, oil and lumber corporations involving millions of dollars. (See evidence before investigating committee).

When a United States senator gets rich by serving railway corporations, and oil trusts and their interests, his money in the daily newspapers of Texas, the stream of political information for the people will be poisoned at the fountain and it will be a gloomy day for the people.

Though he is the champion borrower of the United States, Francis was on hand (how convenient), to refund the money borrowed from Pierce just as soon as Texas papers begun to suspect that something was wrong. Suspicion has now ripened into conviction. The man who believes that "My Dear Pierce" would rob Bailey by retaining that money if it was ever paid to him by Francis, deserves a medal of lead.

A tie like that between Jonathan and David of old unites Bailey and Pierce—for though Pierce had lied to him about the Standard oil stock no hard word of reproach

from Bailey is heard in all his late canvass. We are told that Bailey went to the headquarters of the Standard Oil Company (26 Broadway) and told them they ought to be in the penitentiary (how dramatic)—but no complaint of "My Dear Pierce."

Mr. Bailey has been deceiving the credulous—bulldozing the timid, and hypnotizing the weak, until his followers pardon all his offenses and call them by gentle names. Their sweet charity would cover moral bankruptcy with a mantle of mild regret. This man with his eyes wide open led back and helped to reinstate in Texas a convicted octopus that has been plundering our people for the last six years to the tune of a million dollars each year. (See evidence in the attorney general's office).

And the disciples of Mr. Bailey call his conduct a piece of "indiscretion." Soothing names can not change the moral quality of an act.

"Mr. Bailey wept." Those tears should have been shed for Smith long ago, for Bailey knew six years ago that Smith swore how the Waters-Pierce people "wanted to pay fabulous sums" for permission to go on under the old charter. (See House Journal 1901, page 153). Smith told them that "money was no object in Texas when principle was involved." (See *ib*). After that effort of that oil company to bribe Smith from the path of duty, the influence of Joseph W. Bailey was exerted in its behalf so successfully, that with the Standard Oil Company as its chief stockholder, it is this day plundering the people out of "fabulous sums." (See evidence in the attorney general's office and Bailey's testimony in 1901).

The people are now plowing and have no time to follow the hazy monotony of that investigating committee; but they will have time to know it all before the next election, and they will then decide what sort of a tribe of men shall be driven "into the gulf." The investigating committee are all lawyers and gentlemen, and though the octopus has a handy way of securing its agents that committee should have our confidence until they turn their backs on Bailey's own confessions from the stump and on recent revelations.

What the legislature will do after the committee reports, we can only guess. When the Italian organgrinder jerks the string, the red-shirted monkey dances. Will there be that sort of obedience after the committee reports when Mr. Bailey jerks the string? I refuse to believe it, for they are all Texas gentlemen and no man can now go home and shield himself behind the primary vote after all the facts are revealed and exposed by the published testimony.

The standard of civic virtue will soon be elevated by the people of Texas. Representative Cocke, who was once a poor young man, working his way here in Austin at night (while feeding his wife and child) to secure an education in the university deserves the gratitude of the people.

A. W. TERRELL, Austin, Texas.

THE POLITICAL BOSS.

(By W. O. Davis.)

The following article by Hon. W. O. Davis of Gainesville, Texas (Senator Bailey's home) is a strong and truthful indictment of Bailey in the role of the "political boss." While the article is framed on an impersonal plan, those familiar with the situation in Texas realize fully its application. Senator Davis formerly represented his senatorial district in the Texas Senate, and is highly regarded by his neighbors as a man of character and ability. He is positive in his views and patriotic in his ideals. He was of much service to the author, and consequently to the people, during the investigation, for which thanks are here returned. Mr. Davis was living in Gainesville long before Mr. Bailey came there and he has been far wiser than most Texans in that he correctly analyzed and estimated Mr. Bailey's character from the beginning, as a sham and a delusion.

Mr. Davis' article which was contributed to the public press, March 1, 1907, follows:

The methods of the boss are the same from New York to San Francisco. His purpose is to grow rich by politics, where an honest man would grow poor. The boss

is usually a man of extravagant and profligate habits, addicted to poker, fast horses, wine and fast women. His expenses are out of all proportions to his legitimate earning capacity. He has the ability to organize and possesses an influence over men hard to understand. He generally has the gift of eloquence, a persuasive tongue and magnetic presence. He organizes a political ring, and gathers around him a political following, composed of thugs, the bullies, the pistol-toters, and some good but misguided men. If in a city, he looks after the selection of his henchmen, as aldermen, marshal and the like. If it is a state, he looks after the members of the legislature, and the various state officers, especially the judges. An upright judiciary is a menace to boss rule everywhere. In bossridden communities, we often see judges act as chairmen of the boss' political clubs, and cheerfully do his dirty work. The boss looks diligently after the selection of members of the legislature. Many good men are set aside by some secret influence or manipulation they do not understand. The boss has passed the word down the line. The ring is organized, but the people are not organized. Occasionally men like Tilden and Folk organize the people against the boss rule and earn the gratitude of their fellowmen by putting powerful but corrupt political bosses in the penitentiary. Such efforts are fitful, while the pull of the ring is steady and persistent. The majority are against corruption, but in their unorganized condition they often can not enforce their views, when opposed by an organized minority.

When you look upon the legislature of a boss-ridden state, you will see there many little fellows walking awayback, with their pockets bulging with railroad passes, sleeping car, telegraph and express franks, and voting for every job on the program, and boasting of their broad-mindedness. These men are the creatures of the boss, and their broad-mindedness consists in doing his bidding, in defiance of the wishes of the best people in the country.

In cities the boss receives his income chiefly from public service corporations, whom he is supposed to protect in the right to loot the people. In states, he receives his revenue from the oil trusts, the steel trust, the lumber trust, the beef trust, the railroad trust, and other monopolies which destroy competition and put up or down prices at their pleasure. One day Rockefeller gives \$32,000,000 to education, and the next day he puts up the price of oil to an extent sufficient to repay the amount with the interest in less than six months. The boss, in his extravagance, often comes high, but the price is raised to cover the expense, and the people pay for being betrayed.

A trust that pays an annual dividend of 600 per cent. can afford to be liberal with the boss who hoodooes the people, and helps the trust to maintain its grip. The boss always professes to love his friends and hate his enemies. By enemies, he means many of the best people in the community, who are opposed to his methods. He waves the party lash and threatens all with political damnation who incur his displeasure. He will set his henchmen to barking at their heels, should they have the temerity to run for office. As taught by the boss, the test of a man's worth is his fidelity to the ring. He does not object to dishonesty and lying, for it is legitimate in politics, but he cannot overlook a failure to support the nominee, however, unworthy. He teaches that it is legitimate to suck eggs, provided you hide the shells, conceal your tracks and lie out of it. When a timid citizen contemplates the boss and his henchmen, he hesitates long before incurring their displeasure. The boss at times rides a high moral horse, and plays to the religious sentiment of the country. He pitches his discourse upon a lofty moral and constitutional plane. While he represents the people and the trusts, whom he has been elected to watch, he can not see how Reed Smoot can represent the people and the Mormon church. We sometimes see well-meaning but misguided preachers eulogizing the boss. Some even pray for his success, and that he be given power from on high to wreak vengeance upon his enemies. Among the supporters of the boss we can not overlook the many strong-headed man who can not see anything improper in the methods of the trusts, and who believes the opposition to the trusts, is demagogery. These men naturally fall in line with the boss, and imagine the end justifies the means. We should not omit the more limited number of men who leave home and hang around the money cen-

ters, and endeavor to earn a few dollars by professing to have influence with the boss and through him ability to shape legislative measures.

But after all is said, the boss is at his best at a legislative investigation, when the trust magnates meet in private cars at the state capital, so that the investigation may be thorough, fair and complete. No one should hold it against the boss that some of his best friends went on a cruise when their evidence was most needed. In order for the legislative investigation to be a success, it is necessary for the speaker to be in sympathy with him. The boss must have such lawyer friends to assist him as he may desire. The person who prefers the charges must not have any lawyer obnoxious to the boss. The evidence must be all in before the boss is required to take the stand, for otherwise how would he know what to swear to. When the boss takes the stand, let him turn to his friend, the chairman, with tears in his eyes and sugar in his voice, and say, "I had rather give you a horse than to sell a horse to many men I know." The chairman is grateful for the compliment, and feels good to the tips of his toes.

In order for the investigation to be perfectly fair, the boss should control the proceedings, and have the right to open and close the same, as best suits his needs. When an investigation is thus conducted, no one has a right to say it was not thorough, searching and fearless. If the devil is to be investigated, he should be indicted in hell and tried before his imps.

CONE JOHNSON ON SENATOR BAILEY.

Criticises "Doctrine of Hate" and Negro Education Views.

On March 23, 1907, Mr. Johnson expressed his views in the public press as follows:

Hon. Cone Johnson of Tyler has long taken an active interest in public affairs, and has been prominent in the councils of the democracy since he reached his majority. At the last democratic convention, held in Dallas last August, he was among the leaders and made the speech nominating Senator Bailey for the United States Senate to succeed himself.

"Senator Bailey is revealing himself in a new and to many in a disappointing light. His speech to the legislature at the end of the investigation of the charges against him was the gospel of hate. We know that he had much to excuse almost any intemperate utterance. His threat of vengeance against the whole tribe of those who were not willing to set the seal of their approval on all that he had done; that he would swear his boys to carry on the feud, was a sentiment worthy only of the mountaineer of Kentucky.

"It was the spirit of the feudist, and was not justified by his belief that the other fellow had begun the fight. It is too herculean a task. Fortunately the people are too forgiving and forgetful of differences to carry on for any great length of time such political warfare. The scars from the Hogg-Clark contest are scarcely to be seen. We do not inherit these animosities, and no man can swear his children to them so as to bind. Senator Bailey's two fine boys will probably be enthralled by the bright eyes, the rosy cheeks, the splendid endowments of heart and mind of the daughter of some man who opposed him, and then the feud will be off.

"This gospel of hate is all wrong; if a man could live up to it it would sear and blight all the best that is in him, and he would be the greatest sufferer from his own vengeance. We do not ask the latter day politicians to forgive, nor to forget, for that matter, but we do not expect them to drag a whole people into the maelstrom of personal political strife and to forget all else. That is when things are wrong; that is when the cause and the interests of the people suffer most—when their leaders obscure the questions of real importance with their personal animosities and ambitions.

"And then Senator Bailey's Fort Worth speech was something in the nature of a shock. The people in East Texas do not understand the Trinity navigation question. They are not particularly, or, more properly, directly interested in it, and have not made a study of it. But they had understood that all of our congressmen, includ-

ing Senator Bailey, favored it. At least we had not heard of his views in opposition as he now expresses them.

"His reputation for boldness and political frankness has been marked. And we do not understand how it is that he has kept quiet all this time, entertaining this view, while Dallas was pulling large appropriations out of the treasury to carry on a work so utterly impracticable. On the other hand, it is hardly to be thought that Senator Bailey's resentment towards some of the people of Dallas, or toward all of them, for that matter, could have so radically changed his views on a question that has been before congress so long. Is this the fruit of his gospel announced at Austin? Has he begun the work of threatened destruction? Are the rivalries, the proper rivalries, of North Texas towns to be fanned into jealousies to be played upon for sinister ends? Or is it as one of Senator Bailey's friends expressed, 'he wanted to give his Dallas enemies something to talk about?' Whatever it is, it is all wrong. Our public men, especially those of such power and far-reaching influence as Senator Bailey, ought not to encourage, especially by their public utterances, the indulgence of this spirit of vengeance and destruction. By the way, our people think it is up to Senator Culberson to make good and to relieve Dallas from the imputation put upon her. As I said, our people do not understand the question fully. They are waiting to hear from those who know before they make up their judgments.

"But, to my mind, worse than all are the sentiments on the negro question expressed by the senator in his speech before the Polytechnic College at Fort Worth yesterday. They are simply—well, for the want of a better word, they are next to heathenish. His convictions, if correct, are a direct attack on the value of education; they discount enlightenment and put a premium on ignorance.

"To say that education is not good for a negro—or any human being—is to deny the value of education to any race. To say that an ignorant negro is better than an educated one is to say that ignorance, with all of its train of vice, shame and criminality, is better than enlightenment, intelligence and the virtues which they serve to produce.

"He said: 'I have no conviction more definite than this, that the educated negro can not live side by side in peace with the educated white man, and you are spending the people's money to produce a race conflict.'

"If the white man cannot live in peace with the educated negro, what on earth is to be said of his living side by side with the ignorant, benighted one?

"Is it the ignorant or enlightened negro that is the source of our greatest trouble? Go into the court house or jail and look at the negro charged with crime. Is he educated? Is he the product of negro education? Are the criminal assault fiends to be found among the more intelligent class of negroes? I don't understand how any observant citizen, not blinded by race prejudice, can assert that negro education is an evil. If so, our whole system of popular education is a hoax, and it is not true that an enlightened citizenship is essential to good government. The senator has taken only a surface view of the matter.

"The trouble with negro education is not that he has had too much, but too little, especially too little of a certain kind. What we need is to give the negro more moral and religious education. He needs a better groundwork and foundation in morals, more industrial teaching, because intellectual education alone for the white man proves just as disappointing as it does with the negro. The Thaw trial, which with its shocking details daily disgusts us, is a striking evidence of this truth. The three actors in that great tragedy represented inherited wealth, the stage and a certain kind of art. To all of them the idea of God was an old foggy notion, and morals a thing to be read about.

"What has the poor negro done that he should be the object of any other passion than that of commiseration? He is here to remain—and that as a citizen. Let us make of him the very best citizen which one of his race and environment can make. It is foolish to say that he is to be the best citizen by remaining under the black night of ignorance. I do not want to go into the race question, but sometimes I have thought that the question is not so much one of race or color as an industrial

problem. It is what the negro is going to do, industrially and commercially, to direct his talent and energies so that he will become a factor in our commercial progress.

"The busy negro—the one with a home and with work—is not in trouble. It is the idle, the roving ones, who commit crimes.

"Senator Bailey is all wrong on this question. I fear it is one of the feuds he has inherited."

OUR MODERN CAESAR.

(By Hon. E. C. Gaines.)

Hon. E. C. Gaines of Comanche County, member of the Thirtieth House of Representatives, was one of the strongest supporters of the pro-investigation forces, and the most classical orator, perhaps, of the House—certainly of the younger members of the House. The following brief address was made by Mr. Gaines on February 28th, the day succeeding the evening upon which Mr. Bailey delivered the bitterest tirade of his life. The remarks by Mr. Gaines were uttered as a matter of personal privilege.

Mr. Speaker and Gentlemen of the House of Representatives: I believe there is one sentiment common to every man here, and that is a sentiment of humiliation at the conduct of the Legislature on yesterday and of protest against the still greater humiliation of this body on last night. Never in the history of any free country has any Legislative Assembly supinely submitted to so great an outrage. I appeal to you to contemplate our condition of servitude. The House was in actual session; it had exonerated a Senator under circumstances that were appalling, and without a protest from the minority, he was invited to address the House. Setting at naught every principle of decency and decorum, he took advantage of the occasion to pour upon some of those whose guest he was, a stream of as bitter words as ever fell from the lips of man. Having exhausted the powers of a language fertile in invective, he vainly longed for words of pure hate, with which to brand a part of his audience. But, sir, I knew protest would have been vain. A majority of the members had agreed to again answer the lash of this modern Caesar and strain every servile muscle to bear onward his triumphal chariot. I know it is incredible. Yet, why should we marvel? Does not history repeat itself? Who has not read the story of Rome's humiliation when Claudia told the slave to drive her chariot over the prostrate form of her murdered sire, that she might witness the crowning of her usurping lord? And why should not we, great patriots that we are, ride booted and spurred, over the prostrate form of a debauched and outraged State? Yes, sir, we knew that protest would have been vain, and yet we do protest. We sound "a protest that is also prophecy." We can touch once more the key that will yet sound a charge in the heart of every true man, and when the mighty chorus comes back from the people it will be one in which "whirlwinds of rebellion shake the world."

A little more than five weeks ago, when a Committee had been appointed to investigate him, his followers forced the Legislature to a vote before he could be investigated because he said the balloting must be had on the very day. When the investigation was closed, he said he must be exonerated, before the evidence could be read by the House, because delay would be embarrassing to him. I admire his splendid audacity. It has been to him what courage was to Ney and genius to Napoleon. But what are we? Mere puppets in a great political drama. That we dishonor ourselves and disgrace our State is nothing—it is everything that we exonerate a Senator whose "honor rooted in dishonor stands."

There was a time when the men who wrote law for Texas felt a chivalry—that high and delicate sense of honor that deems a stain upon one's country an individual disgrace—a time when they had so lately paid the price of freedom, they would have scorned the dictation of any power under heaven. But we, the progeny of men who consecrated San Jacinto and the Alamo, shall we tremble under the lash of a Standard Oil Senator?

Inspired by his henchmen at the Capitol, men who knew not the evil they did, borne along on the hot wings of malice, sent runners throughout Comanche

County to get names to a petition asking me to resign and in a county of nearly five thousand white votes, I am informed that they obtained a little more than six hundred names. Some of them are bad men, but most of them are good men who do not yet know the truth. In the face of their censure, I salute them with profound respect, because as long as I can trust the heart of a good man I am willing to suffer and be patient with his reason. With the light of a little time turned steadily upon the facts, I do not fear the results, though his minions from abroad may dart into every household to deceive and to debauch. If I desired to coin words of pure hate, I could remember the charge of the light brigade, and reversing the simile liken the Russian Batteries on the surrounding hills to the two hundred newspapers in Texas that are against him, and the six hundred who signed the petition to the soldiers charging under an order that was misunderstood. I would liken this free and unsubsidized press—these that constitute the terrible artillery of the people to that solid flame of shot and shell and say:

Cannons to right of them,
Cannons to left of them,
Cannons in front of them.

Into the jaws of death,
Into the mouth of hell,
Rode the six hundred.

But, sir, I have not been trained in the school of the Senator. I treasure no resentment, because they mean to do no wrong, vengeance is not mine—in the hour of victory, I will not repay. I believe that whatever is good in religion is good in politics, because my politics is woven with the morals that make a faith.

When they threaten to drive me from the public service, I tell them their threats are vain. They can not touch the sphere I live in. They may strike terror to the hearts of those, who, like themselves, have never felt that patriotic tide that flowed through Wallace's undaunted heart. But, sir, politics is not my trade. I neither care for office nor chase the vanities of place or power. I am one of those who believe that man best serves himself, who serves his country, and forgets himself. That is the sphere in which I live—a sphere in which their cloven feet have never trod. Humble, as I am, and great as he is, he is still but an incident of my opposition. I stand not against him, but against the things that he does. He is but a concrete opposition to my ideal—an ideal that declares a man's public life should be as clean as his private life. I believe that a man should be afraid to do wrong though backed by legions, but being right, he should fear nothing on earth but God.

It grieves me much, it ought to grieve every patriot—that some of the young men—they in whose bosoms lie the potential powers of the future—should link their destinies with the destiny of this man. Others may appease their consciences with such fictions as the exigencies of the hour demand, but as for me, I had rather go down flying the flag of defiance than to receive the purple from his polluted hand.

GAINES RAPPS ROBERTSON OF TRAVIS.

After the adjournment of the 30th Legislature of Texas, citizens of Dallas, Texas, extended the Anti-Bailey members of said Legislature a banquet at the Oriental Hotel, June 14th, 1907, at which there were present about 500 guests. James H. Robertson, of Travis county,—he who had tried to "straddle the fence" by bringing in a minority report of his own as a member of the whitewash committee of 1907—had declined an invitation to attend this banquet. Hon. E. C. Gaines was one of the speakers and paid his respects to Mr. Robertson in the following language:

I read with interest the statement of James H. Robertson declining to attend this banquet. It suggested to my mind a simple syllogism that ought to make a good political epitaph. It is this:

"First premise, James H. Robertson declines to attend this banquet.

"Second premise, James H. Robertson says he is retained by H. Clay Pierce.

"Conclusion: 'The ox knoweth his stall and the ass his master's crib.'"

My friends, we do not like the doctrine of hate, we do not 'long for words that writhe and hiss like a snake.' We would rather breath into the world sentences that sooth like a mother's song, than words that sting like a serpent's fang.

BAILEY, "THE MOST DANGEROUS MAN IN PUBLIC LIFE."

Ex-Congressman J. V. Cockrell is forced to forsake Senator Bailey "as the most dangerous man in public life."

During the campaign through the Fall of 1906, Mr. Bailey and his friends frequently boasted that Ex-Senator Cockrell was a Bailey man, which at that time was true. The following letter therefore to The News is very significant:

Abilene, Texas, January 12, (Dallas News, Jan. 15), 1907.—Senator Bailey and his friends have been quoting me as being a supporter of the Senator. True, I served with him in Congress and it is well known throughout Texas that I have been a friend of Joe Bailey ever since he has been in Congress. I have considered him the brightest hope of the Southern Democracy, and have expected and hoped to see him the first man south of the Mason and Dixon's line to grace the Presidential chair after the great Civil War. When it first began to be agitated that Joe Bailey was a traitor to his party and had been untrue to the faith and confidence reposed in him I told my friends that such could not be the case; that he would be able to clear himself of every imputation of guilt, if, in fact, he had not already done so. Later, when it was charged that the Attorney General of Texas had in his possession documents and vouchers showing that Senator Bailey had received thousands of dollars from the trusts and enemies of the people, which he had been elected to aid in suppressing, I again said there is a mistake about this and an investigation will show that there is some fraud about the papers. A short time after this I came down in town at Abilene and was told what Senator Bailey's answer to the Attorney General's questions contained. I immediately drove home in one of the greatest humiliations of my life, which was later intensified by the publication of the alleged documents by the Attorney General. From this it appeared that not only were there evidences of his guilt actually in existence, but, what was more convincing circumstance, certain evidence and facts within his peculiar knowledge seemed to have been suppressed for years, and I have nowhere seen in this controversy where Senator Bailey and his friends have cleared him of the charge that he has not acted fairly and openly with his people in this matter, but has concealed important facts that he should have revealed. And now, in his public speeches and through his friends in the Legislature, he appears to be opposing and trying to defeat a full and fair investigation of the charges against him. To my mind, this clinches the evidences of his guilt beyond any hope of refutation. I feel that I owe it to what name I have for integrity in my declining years to say that I cannot any longer permit my friends to believe that I am supporting a man who occupies such a position before his people. I have always been a Democrat and have always voted the Democratic ticket. *This is a matter that rises above all ties of friendship or merely regularity of form. It is deep in principle. Surely any right that he may have acquired to the office by reason of the primaries could be no more binding than the terms of a contract, and it is a well settled principle of law that concealment of important facts relating to the subject matter of a contract vitiates the contract.*

The situation seems to me to be most appalling. For Senator Bailey to force the Democratic party to accept him with such charges against him without a full and thorough investigation *would be the greatest crime that any man could commit against his party*, and yet this seems to be what he is trying to do. If any other man in the State had appeared before the people under such circumstances he would not receive ten votes in the Legislature nor 10 per cent. of the votes of the people. The fact that Senator Bailey has such power to compel men to support him under such circumstances, and the further fact that he assumes a willingness to undertake to do it, shows, to my mind, that *he is the most dangerous man in public life.*

Respectfully,

J. V. COCKRELL.

CHAPTER XL.

DUNCAN'S SPEECH TO THE THIRTIETH LEGISLATURE.

(Judge John M. Duncan.)

Duncan's Great Speech to the 30th Legislature. Makes a Calm, Judicial Argument.

Austin, Texas, January 12, (Dallas News, January 13), 1907.—Judge John M. Duncan of Tyler, long prominent in the councils of the Democracy and associate and intimate of the late lamented Governor James S. Hogg, the life-time friend of Governor Thomas M. Campbell, held the House of Representatives in rapt attention for nearly four hours in support of the Duncan resolutions, calling for a thorough and complete investigation of the charges made through the public prints and on the stump in Texas against Mr. Bailey, as well as those made by Mr. Bailey and his partisans against Attorney General Davidson.

Grown gray in the service of his party, famous as an orator and a scholar, genial and gentle in manner, clear and searching in thought and language, Judge Duncan's masterful address was listened to with rapt attention not only by the assembled House and visiting Senators, but by the galleries as well.

After a few prefatory remarks, including brief references to three proposed amendments, the first authorizing the House Committee of Investigation to sit alone should the Senate fail to provide a like committee; the second providing that the Committee might sit in the cities of Saint Louis, or New York, or elsewhere; and the third having reference to the expenses of the committee, Judge Duncan proceeded in the following language:

INVESTIGATION OR NO INVESTIGATION.

"Gentlemen of the House, without apologies or preliminaries I wish to state that if there be those of us who have expected that in this discussion on our part there would be any tinge of bitterness, vituperation or sharp criticism of anybody connected with it they are to be disappointed, agreeably or otherwise. We recognize that so far as this discussion is concerned the sole question is as to whether there is to be an investigation of charges which are alleged to exist against the parties named in the resolution, and no man in this House, we, no more than you, is prepared to prejudice or pass upon what shall be or may be brought up by a judicial or judicious, fair, thorough investigation, as to the verity of the charges alleged to exist in the public prints and made in public addresses. Now is not the time, if that time ever comes, and in my heart I trust it will never come, to indulge in any other than a logical, plain statement of the issue involved, so far as I am concerned, and I think I can speak for my coadjutors in this debate. The needle of my remarks will point steadily to the pole of investigation or no investigation.

"I see in the public prints a statement that I had been selected to lead the fight against Mr. Bailey. I desire now to set at rest that error. I am leading, and have been leading, no fight against Mr. Bailey nor against Mr. Davidson. There is no fight. The term does not belong to the proceedings. If it were a fight, it is not a fight against Mr. Bailey. Upon the hypothesis that Mr. Bailey is innocent, I am leading the fight for Mr. Bailey. (Applause.)

"Upon the hypothesis that Mr. Bailey is innocent, I say to you you are leading the fight against him. (Applause.) Upon the hypothesis that Bailey is guilty, and that this investigation will show his guilt, only am I leading the fight against Mr. Bailey

"Strange condition! strange logic!
Oh Judgment thou art fled to brutish beasts
And men have lost their reason.

"That it should be said that those who would make an investigation as broad as truth, as deep as truth, are fighting a man, fighting him! What is the quotation, 'He who hath his quarrel just is doubly armed, and he but naked, though locked up in steel, whose conscience with injustice is corrupted.'"

"We claim that our consciences are not corrupted by injustice, but that we are inspired by a desire, judicially, calmly, inexorably, to go to the bottom of this matter, place the evidence before ourselves and before the country and then by the justice of God, to do justice. (Applause.)"

And I want to say to you here and now that if the investigation, to which no bars are offered, in which no demurrers are sprung, in which the parties involved come to the bar and say 'search me as the Great One searcheth all human hearts, as far as human mind may search,' then I won't ask that it be placed beyond a peradventure that there is no guilt; but if they can give me a reason which will appeal to any sane man upon which I can ground a vote for Mr. Bailey, no friend of his will rejoice more than will I. I am not fighting him.

ASKS FOR A PRECEDENT.

"It so happens that in this discussion we are in possession of the line of the defense. Can any of you tell me of a precedent where a consciously innocent man, holding official station, when the winds of public rumor, founded upon charges from tongue, by pen and through the press, involving his integrity and his official conduct, has even remained silent upon the subject of an investigation, but who has not come forward and demanded it and asked that no limitations be set upon it? Nay, more, many under these circumstances, afterwards found by a committee or an investigating tribunal, upon the evidence to be guilty, have come forward and demanded a full and fair investigation and cast their hope of acquittal upon the proceedings of the committee and the reports therefrom, minority or majority; but it has remained for this State to afford to the world the spectacle of the existence of such charges when one of the parties involved has not come and said:

"'Here I am; investigate me; I will help you; I will go on the stand; examine me; bring all the evidence in here.'"

"I say it is a reflection upon the fairness and honesty of the Legislature not to have done so; to come forth for it by the step of innocence. Really it is a reflection upon the Legislature seeking to make the investigation to come in and say—what—I do not propose to analyze it now, but if my voice holds I will later on—appoint a committee! Yes. Send it down nowhere to sit! Yet, and if anybody happens to be passing along the hall and wants to drop in and say anything about me you just let me know it. (Laughter.) And if he has any charges to make, don't let him say 'whereas it has been charged,' but put him upon his oath, even if he happens to be a member of the Legislature already upon oath and make him subscribe to the charge that I am guilty both in act and in intent—then maybe I will come around and tend to him some way or attend to the case. Limit its powers so that there will be no danger of going into anything—well, I will not put it that strong, but so that there will be no danger of going into any dangerous place. (Applause.)"

"I will tell you how I feel about that and I don't believe that I am departing from human reason and logic, but if I had lost some property and I was around looking for it, and I suspected that it was in man's house, and I went to ask him to admit me to his house to look for it, and he said, 'Why, yes, certainly,' takes me in and shows me around the parlor and I say, 'I want to look for some property I have lost;' 'all right.' I look around the parlor. I find nothing around the piano or under the sofa, and he shows me into another room and I look around there, open some trunks, look under the bed, find nothing. He takes me into the kitchen and dining room in the same way, willingly. He says:

"'That's all.' But I say, 'Here's a door to another room,' and he takes me by the nape of the neck and kicks me out of the door and says, 'I tell you, it is not in there.' (Prolonged applause from the members, finally swelling into cheers.)"

"He says: 'Haven't you got my word for it that it ain't in there? You propose to question my honor?' 'Yes; I really want to look in there worse than I did before.' 'Well,' he says, 'you can't do it,' and he takes me and clubs me. (Cheers and laughter from the members.)

LIKE LINCOLN'S RAT HOLE.

"Then he clubs me into insensibility. Wouldn't all reasonable men think that that room was like Lincoln's rat hole—worth looking into? (Laughter and applause.)

"I object to this Legislature being clubbed into insensibility. (Renewed applause.) I am in favor of its protecting itself and shoving aside these captious, technical demurrers, and objections, and going into the room or rooms and if it finds nothing, then I am in favor of giving Mr. Bailey the cleanest bill of health that was ever issued by a legislative body in the world. (Applause.) But—well you may make a dash there. (Laughter.)

"What are the conditions which make the question of investigation so grave? Briefly, they are these: Of all the dangerous crises that have confronted this Republic today is that involved in the encroachments growing in geometrical progression of the money power in the United States—unparalleled not only in the history of all the world at the present day, but unparallel in the annals of all history. John D. Rockefeller could buy old Croesus and have enough left to buy every purchasable Congressman, official, legislator, officer and to build all the colleges requisite for the education of the American youth in the splendid tenets of Standard Oil philosophy. (Applause.)

"Where is the power in this Government of the money monster lodged? Where? The Senate was originally intended as a check upon the hasty and ill-considered action of the House, but now it has been proven to be a check upon any sort of action by the people. (Applause.)

"Where is the lair of that monster? Born in Wall street, of the tariff and of special privilege, it migrates with the meetings of Congress to that millionaires' club called 'the Senate of the United States,' and there it awaits as the devourer of the substance of the people.

"What is the Senate? The Senate is made up, upon common knowledge, of groups that are no longer denominated Senators of the United States, except for purposes of recognition individually. They are divided into groups and the name of every group suggests the lordship of the money aristocrat and autocrat in this country and suggests the deeper and deeper degradation of the common people in submission and—don't forget the word—subserviency to its lordship.

"There is the Harriman group—need I tell you that that means Southern Pacific and all these interminable, intermingled and complex properties of the Southern Pacific?

"There is the Copper group, represented by that delectable, corrupt, infamous Democrat—if that be treason, make the most of it—Clark of Montana. How many of you have read 'The Story of Montana' in Everybody's or McClure's, I don't know which; I only remember the story? If you have read it you cannot forget it. The prince, not smart enough to be a Michævelli, but corrupt and mean and detestable enough to boldly go into the Legislature against him and barter his money for votes.

"One fellow didn't know how it happened. He never could understand the coincidence, but was bound to admit the coincidence.

MONEY OVER THE TRANSOM.

"He said that year he was a poor man. He didn't have much. But some good angel came along one night through the corridor of his hotel, and tossed \$6,000 over the transom, and he wasn't in favor of letting the chambermaid sweep it out, even if it was filthy lucre. (Applause.)

"And so he didn't know what else to do with it, and he picked it up and put

it in his pocket. He didn't ask who lost it, because he supposed that the man who lost it and all his family were dead, or he would come after it. But he deposited it in a bank, and in his own name.

"Another fellow had a sawmill, worth, as the proof shows before the Senate committee, and as I believe before the Supreme Court, on a motion to disbar one of his lieutenants—worth about \$2,000. But sawmills went up when the Montana Legislature convened. This man had been against Clark, but his sawmill began to rise in value. It was a dismantled, old concern, and only valuable as a scrap-heap piece of machinery. But it began to rise in value until one morning the market got so high, and had been so strongly bulled, that he was offered \$25,000 for the sawmill, and he took it, and sold out to a partner—I believe it was Clark's brother-in-law. (Laughter.)

"He had to go a good ways for the money, and but coincidentally with the sale of the sawmill—of course, he didn't vote for Clark because he sold his sawmill, but he got so much for it that it placed him in the ranks of the money kings, and he felt compelled to support one of his fellows, and he voted for Clark. (Laughter.)

"Take the story from beginning to end, reeking with corruption proved upon the oaths of witnesses, undenied—why, they went to the minister, whose charge was to administer consolation in sickness, advice in health, and to address invocation to God for blessings upon legislators, and all the world, and got him almost unconsciously to throw his sacred weight into the balance to secure votes for Clark. They went to the family physician of a member. They had the temerity, as they will have in this country if our course doesn't change, to approach Judges of the Supreme Court of Montana for purposes of corruption. Plainly, not veiled, not secret, but plainly stated.

"Yet they tell us in Texas that if Clark only had the nomination the Montana people should nevertheless have voted for him. Democrats—that notwithstanding however much his mantle may have been besmirched, however plain his confession, however credible and indisputable the evidence, that if nominated—and after a while I will come to the question of nominations—he should be voted for. In other words, that every Democrat, with a nomination of his party, is designated as its nominee for an office, believing him without stain, without offense, that notwithstanding, after that, when a Democratic voter wakes up and finds himself chained to a rotting corpse he may not burst the chains, but that he should be proud of his bonds and should take that corpse and set it back in the same chair, and leave it there as an offense to all his associates. (Applause.)

"Mind you, I am only saying that that's the doctrine; I am not saying nor intimating that that is to be the result, but I say that that is the doctrine involved in the statement that he is the nominee, and that's the end of it.

"They won't let us, although we have suspicions from the smell, examine to see whether it be dead or not. (Loud laughter, followed by applause from the members.)

IT'S A SACRED JOSS.

"They say: 'Shut your eyes; hold your nose; stop your ears—it is a sacred joss; it is the Democratic nominee. Let us all bow down and worship Baal.' How do you like the doctrine? Are you prepared to make a precedent for it. The Clark group, the copper group, the Harriman group. (Here Judge Duncan paused for a moment, and when he proceeded again spoke very deliberately and distinctly.)

"The Standard Oil group—(applause)—and other groups.

"Oh, my countrymen, where is the people's group? (Applause.)

"Shall the people have a group when they are entitled to a whole?

"I will tell you where the people's group is. It is, as compared with others, microscopical, but if you will look closely you will see it is there yet; but under the blaze of the other groups it is melting away, and if their torches are not extinguished the time will come, not far away in the history of this country, when the people will not have even a group in the United States Senate. And if that group

—if that group—melts away, there will begin, as there has already begun—to be guilty of tautology—an aristocracy of wealth and power that will continue to grow until by and by, in addition to the special privileges to which they owe their origin, they will begin to claim aristocracy by blood. Why indeed as my friend, Ed Kellie, used to say, in all my military experience I never saw such a widespread fad in this country as today of the hunting up of genealogies and coats of arms running back to England, Ireland and Scotland, and no aristocrat today is worthy to be received in the circle in which he moves unless he can show himself by Burke's or some other peerage to be entitled to a coat of arms upon his carriage door. It reminds me of—I believe it was of Sidney Smith's anecdotes—the tobacconist who had grown immensely wealthy, and he, too, felt that it was time for him to join the ranks of the aristocracy, and he went to a genealogy doctor to hunt up his ancestry. The fellow could not hunt up anything in particular, but said he could fix him a coat of arms and give him a motto, and, as he was a dealer in tobacco he got him up a coat of arms to place upon his carriage door, upon the door of his house, and in the middle was the motto, 'Quid Rites.'

"Now, Imboden, you know what that is. It means 'Who Laughs.' (Laughter.)

"The question whether this State of Texas—now I am not going to grow grandiloquent over the glories and prosperity and honesty and integrity and honor of the private citizen and the general public of the State of Texas—but the question is whether Texas is prepared to enter upon a course—this is as strong as I put it—of refusing to investigate a Senator of the United States and an Attorney General in order to either condemn or vindicate their names from the charges urged against them? Will it align itself with New York, the Empire State; with Pennsylvania, the Keystone State; with California, the Huntington State; with Montana, the Clark State, and with Colorado, the Guggenheim State?

"Did you know Guggenheim was elected? (Laughter.)

"Guggonheif! think of it—Googenheim—Googenheim—Guggenheim—I will have to send on for the pronunciation. Why? Why? Because he is a man of ability? No. Because he is a man of proven integrity? No, avowedly no. But because he happened to be the copper king and had the money to buy the office, and bought it. Did you see the interview with him in Ridgeway's? If you haven't seen the interview with Guggenheim in Ridgeway's I ask you to go and read it and tell me—I hope you will excuse the expression—'Whither are we tending?' He declared openly that the office ought to go to the man who is able to pay for it; that he put up—how much? Can you newspaper men tell me? I have forgotten, but I never can remember big figures. I can't apprehend or comprehend over \$5,000. (Laughter.) When they get up into the hundreds of thousands, why, I quit thinking about it, because I just can't realize it. They tell me they are big men, and that's the way they estimate the size of them—big men, worth a hundred million dollars, and that there are still bigger men that are worth a billion.

LIKE THE IRISH POKER PLAYER.

"I am something like Pat was when he was betting with his partner in a box car on a single-handed poker game, and they were betting 'windies.' That's what they told me they were; I don't know what that is. (Immoderate laughter from all over the house.) The man told me that they were betting 'windies' and he said that a hand was dealt, and Mike looked at it and said: 'I will bet \$1,000.' Pat looked at his hand and said: 'I will bet you \$2,000,' and the other fellow looked over his hand again, which they say is a habit (laughter), and said: 'I'll bet you \$450,000.' The other fellow looked back at him and said: 'I'll bet you \$100,000.' Then the other one said: 'I will raise you \$1,000,000.' 'I'll raise you a \$1,000,000,000,000 was the reply. 'I'll raise you a trillion.' 'I raise you a quadrillion,' and then Pat stopped and looked at him awhile, and said: 'I'll bet you—I'll bet you—Ah, take the pot, you educated scoundrel.' (Laughter.)

"Whenever they get over a million dollars, I just let them take the pot.

"But all these things are as plain as though written on these walls, that the

danger that confronts our Republic today and the integrity of our institutions is more subtle, more to be feared, than ever an army of red coats were. Nay, more to be feared as a menace to the perpetuity of our Republic than was the collision in Civil War in which a million of men shed their blood and gave away their lives.

"Those who observe the signs of the times say: 'Well, I know that fellow. He is a pretty good fellow; he is a fine fellow. I don't care about his connections. He is a pleasant fellow. Let's tolerate him. Let's tolerate the things for which he stands.'

REPUBLIC IS YOUNG.

"The sapping and the mining is going on all the time. The Republic, a government of the people, founded upon the idea that power and authority proceed from below, and not from above, is young in the world. Go back through the history of all Nations, no matter how long nor how short their lives, and you will find that even 150 years does not cover the youth, the callow youth we might say, of a great Nation; but the things which finally corrupt and destroy them, and things which finally cause their dissolution and fail, are those things that take their root unobserved and unprovided for during the youth of the Nation's principles—false doctrines—and with Nations as with individuals, there is a tide, said the immortal bard, in the affairs of man which, when taken at the flood, leads on to fortune; omitted life's voyage is bound in shallows and in miseries.

"Go back and bring to your minds the crises in the history of Nations, when a broadly intelligent citizenship, a wise patriotism, would have discovered the thing to do, and the thing not to do, and acted upon the discrimination, the country would have been saved. Then tell me, if that would have been true, if it be not the province of patriots and of statesmen to recognize the hour when the flood tide is up, recognize the hour of its imminency, and take it at the flood and lead on to establish the fortunes of the Republic—not omit it that the life voyage of the Nation should be bound hereafter in shallows and misery.

"Gentlemen, members of the House, gentlemen in the lobby, gentlemen in the city, at the hotels, upon the railway trains may talk to me in regard to my duties as a legislator and I will hear them.

"They may seek, by personal considerations, by appealing to my sentimentality, my sympathy, to influence me upon questions before or to be brought before this body; but they must recognize that I came to the bar of this House and took an oath, that I bear a commission, which they do not bear, to represent my people, and that when all is said, they cannot possibly look at this question from my standpoint. And men will often advise an officer in regard to his official duties without due consideration as to what they would really do if they were in that official's place. It is my duty to recognize my official station and not my personal inclinations. I have tried and shall try to do it, God helping me, without fear of results. I am kind of like a Jap; I am kind of like a Moslem; I rather think that the most glorious death, that which must come to us all, that a man can have or meet is that which he meets in the line of conscientious duty. (Applause.) God will not ask him whether what he did was right. God will ask him: 'Son, did you conscientiously believe it was right?' And if God can look into his heart and get the answer, he will say: 'Come into my kingdom, and take a seat on any throne; that is all that I could expect of that Great Teacher whom I created and sent into the world.'

"But to the man, who knowing his duty, who believing in his heart as to what his duty is, and from considerations which should have no force upon considerations—I will not say that—but upon considerations which should have no force, violates his confidence, I believe that he is in danger of having it said: 'Depart from me, ye workers of iniquity—' What is the balance of that quotation, Ed (addressing Ed. B. Willis, assistant sergeant at arms, who answered, "I never knew ye.") I knew our sergeant at arms was up on it. (Laughter.) 'Depart from me! I never knew ye.'

"What man can rise in his place and say, 'You are wrong?' What man can rise in his place or say in his heart here today, that these are not the rules which we should apply?"

READS A TELEGRAM.

Judge Duncan was here handed a telegram by a messenger boy.

He asked the House to pardon him for a moment, saying the message might be important. Glancing at the yellow paper for a moment, he turned to the House and read the following:

"Waxahachie, Tex., Jan. 12.—Hon. J. M. Duncan, Austin, Tex.: We firmly believe that a large majority of the voters join in approving your course. James S. Davis, J. W. Singleton, O. K. Dunlap."

Resuming his address, Judge Duncan, said:

"That message comes from three men, none of whom I know or ever heard of before. (Cheering.) I haven't received a telegram since I have been here from anybody saying they do not approve my course. (Renewed cheering.) Nor have I received a letter nor a postal card to that effect."

Judge Duncan held aloft a copy of his resolution.

"What have we here?" he asked. "Anything that even a captious man could object to?"

Then he stopped, and turning towards the Speaker he said:

"Mr. Speaker: I never know whether I am in order, and I always have to ask the Chair, but if it is in order, as I am very warm, and it is 12:20, might I move a recess until 2 o'clock?"

Thereupon the House recessed until 2 o'clock.

AFTERNOON SESSION.

When the House resumed its session this afternoon at 2 o'clock Judge Duncan again took the floor. He said:

"Mr. Speaker and Gentlemen of the House: If you desire to hear me, I request of you your undivided attention. If you do not desire to hear me, then you have my permission to talk among yourselves or to anybody. But if you really desire to hear me I shall be flattered.

"The next question which I think proper to take up in the course of this debate is how far are we bound by what is termed a 'nomination.' I am aware that we are treading on perilous ground—ground which is represented to us to be perilous and which our opponents are making to smoke before us to indicate that the crater is further on in that direction. I am not scared and briefly I will tell you why.

"I present two propositions on that subject. There has been no nomination of United States Senator. Second, that if there has been a nomination we have a right to ask upon what we are to determine as to whether we will recognize it as binding. That is far enough to go. That is far enough upon the proposition I am discussing—to investigate or not investigate. Involved in these propositions is the question as to what that part of the Terrell election law contemplates, and whether or not it contemplates the nomination. Is it competent for a political party to make a nomination which shall bind the members of a legislative body into whose untrammelled hands and to whose untrammelled discussion is committed by the Constitution the election of a United States Senator? I have with care examined section by section the election law alluded to. I have asked friends of mine to examine it, because there is so much of it that in a brief examination some portion might be overlooked, and I find that those who have besides me agreed with me in saying that the only provision which might be claimed to bear upon the Senatorial question is contained in Sec. 124. Now, let us see precisely what the section is. It seems to have been a sort of joker in the bill, as most of the amendments begin with a 'provided that,' and it does not go at all to a point. It seems to be a sort of a derelict upon the great expanse of this law."

Judge Duncan then had the clerk read the following portion of Sec. 124 of the Terrell election law:

"Provided, That the legislative committee of the party for any county shall print on the primary ticket the names of all persons whose names, not less than thirty days prior to the day of the primary, shall be requested to be printed thereon

as candidates for United States Senator, and the executive committee shall forward to each nominee of the party for State Senator and Representatives voted for by the voters of such county, a certified statement of the vote cast in the county for each such candidate."

NO LEGAL ARGUMENT.

Judge Duncan then continued:

"I am not going to make a legal argument on this section; but I merely, in passing, call your attention to the fact that 'provided, however,' seems to be foreign to the original purpose of the section. I make no point on that, however; but now let us see what it leads to.

"It is the path to nowhere. It is the road that looks like it until it starts into the bottom, and it goes out and you are in the woods.

"Provided that the executive committee of the party for any county shall print on the primary ticket the names of all persons whose names, not less than thirty days prior to the primaries, shall be requested to be printed thereon as candidates for United States Senator. And the executive committee shall forward to each nominee of the party for State Senator and Representative voted for by the voters of such county, a certified statement of the votes cast in the county for each such candidate.' That's all there is. Absolutely nothing else in that law touching the election of United States Senator, and the only thing to do to comply with that law is for the chairman of the Democratic Executive Committee to make out a statement of the vote and send it to the nominees of the party for Senators and Representatives in that district. If there is anything else in that law touching the election of a United States Senator, I would like some gentleman to call my attention to it.

"Neither the word nominee nor its equivalent nor the synonym of it occurs in connection with the words United States Senator in that paragraph. Did any of you get that statement from the head of your executive committee about your vote? I didn't. Now, if anybody did get it, I know the head of the Democratic Executive Committee certainly forgot to send me a statement of the vote. If he did, that was all that under the law could be done. Yet it is claimed that the Dallas convention had the authority under that paragraph to nominate a Senator. There is too wide a chasm between the return to the State Senator and Representative and the convention of the State to permit the convention to claim that it draws its power from that law, for in the case of every other candidate nominated under that law, there is explicit provision made for all the procedure by which his nomination shall be accomplished; and the laws says that when all these things are done, and when all these conditions have been complied with, and when a certain condition exists, that man shall be the nominee. But in the case of United States Senator, there is no such provision, which leads me to conclude that if it meant any other thing than a mere joker thrown in the bill, it could have meant nothing more than to advise the nominee—the nominee you know, might not be elected—the nominee of the party as to the number of votes received by each candidate, and was an express recognition that under the Constitution each must be responsible for his own as a legislator.

CONVENTION WITHOUT AUTHORITY.

"In my humble opinion, the Dallas convention had just as much authority and no more to nominate a Senator of the United States for this House—for they would be taking it away from the Legislature of Texas, for nearly all are Democrats—and have just as much authority to nominate and dictate who shall be the United States Senator to this Legislature as it has, as it would have under the Constitution to say to this House whom it should elect as chief clerk, as a reading clerk, as journal clerk, as sergeant at arms, and so on down the list.

"The Constitution devolves upon this body the duty and responsibility to elect its officers. Would a convention take that power away from it and when we met here write a list to members of this House without opportunity to agree upon which machine is a good thing when it means party integrity and organization, but the

machine is a bad thing—it is a necessary evil—at times, but it is a bad thing when it goes beyond party machinery and trenches upon the Constitutional power of any department of this Government. As well might the Dallas convention have considered who should be Secretary of State and have dictated to Mr. Campbell that he should appoint Jim Higginbotham to that office. The Constitution vests in him the discretion and exacts from him the responsibility, to appoint a Secretary of State, a Commissioner of Insurance, Agriculture, Insurance, Statistics and History—I believe I got clear through it that time. No, I didn't, there's banking—that's a good long name. Parties cannot dictate to the departments or officers of Government in their official capacity as to the exercise, as to the rights vested in them directly by the Constitution.

"But they say that this is heresay—that I am a bolter—that unless they are fixed to what they call a nomination, that some of us are not Democrats if we don't vote for Mr. Bailey without an investigation. Others of us may not be subject to the charge of not being Democrats, but it is said that we haven't got our Democracy on straight? Now, it is a curious coincidence—I am glad that gentlemen have been frank enough to come forward and in the open, through the newspapers, declare that men who will not submit to be thus bound are traitors—they have used the word 'treason' to the party, and it has been said that a man who came here and did not vote would not consider Mr. Bailey the nominee and vote for him—is a man who would sell his vote."

DEFEATED PARTY NOMINEE.

Judge Duncan paused for a moment, and then exclaimed, derisively:

"Coersion!" He continued: "I claim to be as good a Democrat as sits within the sound of my voice. I did twenty-eight years ago beat a Democratic nominee, and it is a curious circumstances that my candidacy was predicated upon disclosures of his treason to the party made after his nomination; and in a Democratic district I was elected by an overwhelming majority. I did not escape an investigation, however. (Laughter.) I ran as a Democrat. I took my seat in this hall, or the hall that stood in the old capitol just about over there (pointing to the east), where was the illustrious Senator from Travis, who has since filled some honorable positions—the Hon. A. W. Terrell. (Applause.)

"They investigated me and decided that I had not been a bolter. I had another thing in view in that canvass that I never did receive the credit for that I ought to among people that didn't know it. My opponent was an active preacher, and no doubt he has been in the pulpit ever since, and I have no doubt but that my course in that campaign has resulted in the saving of hundreds upon hundreds of souls. (Applause.) It was really more of a religious controversy, anyhow.

"I came to Smith County when the clouds of Republicanism lowered upon it, and the offices had been held there since the Civil War by the negroes and radicals, and in 1884 I led the campaign as the nominee for County Judge, with cannon, with banners and with brass bands, which redeemed Smith County forever and completely from the rule of Republicanism and negroes. (Applause.) And upon that rock she rests today. (Renewed applause.) There I met and loved one of the immortals. I became his friend, and all through his life until the day of his death I was by his side, militant in the cause of Democracy—Gov. James S. Hogg. (Applause and cheers.)

"I hesitated not to go upon the stump and fight in my humble way his battles when hundreds and hundreds of men who still claim to have the true brand of Democracy were fighting him. (Applause.)

"I was a good enough Democrat in 1896, I thank God, to fight for W. J. Bryan. (Applause and cheers.)

"And I was a good enough Democrat to be against Parker for the nomination. (Renewed applause.) I was a good enough Democrat to believe that the nominee of the party, the only man in that God-forsaken state who had the money and the patriotism to fight the interests of their own ground should be voted for as the nominee of the party—Mr. Hearst. (Applause.)

"So it cannot be claimed—and, Mr. Reporter (turning to the reporter of The Galveston-Dallas News), if you contrive in any way to knock the I's out of all that, I wish you would do it—I can't stop to do it now. (Applause.)

"I have a right, in view of the statements that have been made through the public prints, to call attention to these facts and to claim that when I address you I can come from the standpoint of as good a Democrat as any of you.

"Now let us return to our former mutton—I don't know the French. It is a curious thing to me that intelligent, bright-faced—apparently intelligent, intellectual, logical gentlemen upon every subject in the world, are guilty of so much distortion when they come to talk about this resolution. They want somebody to make charges; they want somebody to be responsible for the charges; they want somebody to say there is guilt. My God, isn't it the best thing in the world that could have happened to him or anybody else, not to be able to pronounce that verdict just now? Isn't it a favor to him—to to Davidson—not to say 'You are guilty,' now, but to give them an opportunity to introduce the evidence before this House or to hear through its committee all the evidence in the case?

WHO IS RESPONSIBLE?

"If I am asked 'Who is responsible for the charges?' I reply that Mr. Bailey is responsible for the charges. (Applause.) All of them—for the existence of the charges. If I am asked 'Who is responsible for the resolution?' I say I, with those whose names are signed to it with mine are responsible for the resolution. That seems to be an equitable division of the responsibility. (Laughter.)

"Did you all know I had been investigated? Well, I will tell you about it before I get through. I will tell you how I felt. It is real pleasant when you are innocent. (Laughter.) This resolution says only that whereas certain charges are pending, certain charges had been made—now, let's see just a sample of one of these charges—just a sample, not a big one—just this one."

Judge Duncan here read the charge that Mr. Bailey had been employed by S. G. Bayne of the Standard Oil Company to write a charter for the Security Oil Company, a subsidiary corporation of the Standard Oil Company, and then continued:

"Well, now, the question isn't here before this House whether that be true, but the question is, if the charge has been made in the public press and addresses, or in any other way. Any other attempt to make the charge would be the rankest injustice to Senator Bailey, for it would require somebody to prejudge his case. Is it a fact that that charge has been made? Who can deny it? And I can not refrain—(Judge Duncan here paused quite a while)—yes, I will refrain.

"So, with all these charges against Mr. Davidson and against Mr. Bailey. It is that such charges are extant in this country. My fellow-members, it is for me one of the most astonishing situations I have ever confronted that the friends of the candidate for United States Senator, when they question, if there is any man who can declare"——

A messenger boy approached Judge Duncan at this juncture and handed him an armful of flowers. Attached to the flowers was a card on which was inscribed in a feminine hand, "Yours in the Cause of Truth.—A Woman." Judge Duncan looked at the flowers and at the card, and then at the messenger boy. Then he said, "Thank you, son," and resumed his speech as follows:

CHARGES THAT ARE MADE.

"And declare with an honest conscience that these charges have not been made in the public prints and by public addresses. It is astonishing that notwithstanding these charges have been heralded on the white wings of every great and small daily and weekly throughout Texas and many throughout the Union, unsworn, merely given to the public slanders, gentlemen, say, of Mr. Bailey—it is an astonishing thing to me that for a United States Senatorship, or for the Presidency, or for a kingdom, they are willing for these reports to go unchallenged upon oath, and that his reputa-

tion shall remain a prey to human vultures now circling and hovering about it, when by his own words, if he be innocent they can be all slain by one shaft of truth.

"Is it possible that his friends, abandoning the view that the Senatorship is an honor, abandoning the view that it is a trust, abandoning the view that it is an office which ought to reflect the honesty and integrity of the people of this State, are willing that he, without an investigation, should be left to the tender mercies of his enemies? All for the bare office of a United States Senator for six years more? Because in that case that's all it would mean. (Applause.)

"The resolution, the substitute—probably on logical grounds—I should not refer to that now, but it so fully shows the intent and purpose of our opponents that I can not resist the temptation at this point, for by it we must judge of the candor of the gentlemen who offer it. When they say that Mr. Bailey is not guilty and say it in advance of an investigation, in all pleasantness it seems to me that they have at last appreciated the fact, recently that investigation is in the air and that it must come in some form, and if it is to come in some form, we (meaning the opposition) want it to come in the form desired by us, limiting its scope and crippling the tribunal by which it is to be conducted by limitation. It seems that they have had some trouble to get up a substitute, if the one published in the papers this morning was genuine, and it follows—at least the one offered today follows—that published this morning in phrasing to a large extent. But I believe I am correct when I say that the one they drew and furnished to the papers was thought by somebody to be a little too broad (laughter), and that somebody excised it (renewed laughter) and drew out some of the things. It is, whereas, that Mr. Bailey is not guilty, and then wherefore should he be investigated. (Laughter.) Read it and see if it doesn't. Mr. Bailey is not guilty of the aforesaid wrongs, injuries and trespasses alleged against him, and, therefore, we should proceed to give him a mild investigation; not one that will hurt Mr. Bailey, but one that will keep the people from cursing us too much when we go back home. (Enthusiastic Applause.)

KALSOMINING PROCESS.

"There are three things in the kalsomining process. (Laughter.) One is the agent by which it is done, the other is the instrument by which it is accomplished and the last is the ingredients to be applied. The ingredients are not quite ready, but the substitute—the brush—has been handed to the committee. (Laughter.) But even then they have guarded against the possible failure to use it by declaring that the committee shall sit in there with arms folded and wait, under the maxim, I suppose, that 'all things come to him who waits.' (Laughter.) Until somebody will come in and say, 'Mr. Chairman, I declare to you that Mr. Bailey has been guilty of corruption and I want to make an affidavit to it.' If nobody comes I understand that they are without power to send, but they establish a tribunal into which all who are aggrieved may come and make charges, not that charges have been made, but that charges against Mr. Bailey are true before they will investigate them.

"Ah, gentlemen, that thing has been tried before. It worked once; it will never work again in a Texas Legislature. (Wild cheers and a voice, 'Hurrah for Duncan.')

"They chased poor McFall with sergeants at arms and chairman of the committee from day to day before they would move upon an investigation that they had been ordered to make to get him to file the charges. Read this letter in the Record. McFall said:

"I made no charges; I said that charges had been made that ought to be cleared up; but I see that this committee is not going to investigate at all until some sort of charges are filed and I inclose a brief statement of charges made by myself.' Before that time, however, Mr. McFall filed a resolution. Afterwards in order that a parliamentary, I don't know what you call it, but a shuffling, substitute for McFall's resolution was prepared by Mr. Garner. And a gentleman by the name of Smith, I believe, from Collin County, who was a member of the Legislature, has recently stated as a member of the caucus in which the charge was made that the substitute

was drawn by Mr. Bailey's friends and had his indorsement in which it was said that Mr. McFall had made the charges, when he hadn't—when he said he hadn't—read the book and see. That was intended—I will not impugn the gentlemen's intentions; I will say it had the effect to place Mr. McFall in a false position, and he told them so by a letter.

"In Mr. McFall's resolution there was a provision to take depositions outside of the State or to take depositions; the substitute dropped it out. Let me see—let me see—let me see about that Garner substitute. I have got it marked here somewhere. A great light, real light, no spot light, nor colored light, but white, bright light is thrown upon this whole question by a study of these proceedings in the Twenty-Seventh Legislature. Mr. Garner offered the following substitute for the resolutions the following resolution providing for the appointment of the committee of seven."

Judge Duncan read the substitute referred to from the records of the Twenty-Seventh Legislature and continued:

ORIGINAL McFALL RESOLUTION.

"There is the substitute, gentlemen. Did you ever reflect that in neither the original McFall resolution nor in the substitute upon which the investigation was had there was never a charge that any money was ever received by Mr. Bailey in connection with any of the transactions set up? It is simply stated that he had helped get the Waters-Pierce Oil company readmitted into Texas and that it did not comport with his duty as a Senator. It was alleged that he tried to make a compromise over here in Waco in some penalty suits and advised the District Attorney or whoever was engaged over there to make the compromise, but no corruption, no receipts of money, nothing of that kind was charged.

"Now, if that be true, I wish to illustrate how there was no fear then of going beyond the scope of the resolution, that Mr. Bailey voluntarily appeared before the committee and stated what he declared to be the details of the Grapevine ranch Gibbs Francis transaction; that such a transaction was not named in the charges; that he knew as a matter of public notoriety that these charges existed, but that he voluntarily went into them and stated them. Yet, it is claimed not that we are foreclosed from returning to the original investigation; that the verdict of that committee and of that Legislature in returning him to the Senate settled all things anterior to that. Why, gentlemen, gentlemen! It is charged that contemporaneously with Mr. Bailey's first meeting with Mr. Pierce he was paid \$3,300. The denial is that it was paid, but the statement is made that it was borrowed. Does not that very circumstance throw considerable light upon the nature of the transaction really had? Wouldn't it to a reasonable mind? I only say that towards showing the necessity of going back to that transaction.

"But they say, as I see in the morning paper, 'Why, Mr. Bailey says I have admitted—' his friend, the gentlemen from Grayson (Wolfe) says he admitted that he borrowed it from Mr. Pierce, which reminds me of the joke they used to tell on Col. Herndon—how the fellow proved that the Colonel was the best lawyer in Texas. Somebody said that they thought Bill Crawford was the best lawyer, another said that somebody else was the best lawyer, but this gentleman was simply emphatic, and said, 'I know that Col. Herndon is the best lawyer in Texas.' Well, they asked him how he knew it. 'Why,' he said, 'I heard the Colonel admit it.' (Laughter.)

"We know it was borrowed, because Mr. Bailey has admitted it. That disposes of the entire question. What was the nature of the transaction? We refuse to be foreclosed by the statement of Mr. Bailey, but want to ask further about it as to whether it was a loan or a fee or a gift.

"Now I have a theory that I think is solid in practice. I don't care what you call it. And I have a right as a legislator to have the opportunity to test my theory in connection with this allegation. My theory is, and I have always found it to hold good, that a loan to an insolvent stranger, without security, is a gift. (Prolonged applause, being the biggest demonstration of the day.) I would hate to have my theory overturned without an investigation. (Cheers, laughter and applause.) There

are investigations, and there are investigations. I want an investigation. They want an out-investigation.

AS TO ATTORNEY GENERAL.

"By the way, who on this floor represents the cause of Attorney General Davidson? There are grave charges against him. Will somebody speak for him? Will somebody come and say that it would be a reflection upon his character and upon his office to investigate the slanders that have gone forth against him? Why, he says he wants them wiped out by a broad, thorough and complete investigation. (Applause.) We are to break all precedents; we are to abdicate our reasons for it, notwithstanding the interests, the most vital interests of the State are concerned—I can't help looking at it that way.—to protect one man.

"I am the State.' 'I am the Democratic party.' 'Thou shalt have no other gods before me.' (Applause and laughter.) 'What I did was all right.' 'If it was wrong because I have sanctioned it, I did it.'

"I don't believe it. I don't believe the party is ready to subscribe to that doctrine. But then we join issue with you even on that. We would just ask you; we will say, all right, we will compromise, we will agree—you say you are all right and we will say we doubt it. Let us investigate and see whether you are or not; whether you are infallible.

"As I told you, I had the pleasure once in connection with some distinguished men of being investigated, and I was investigated, too. In 1892 resolutions were introduced in the House of the Texas Legislature whereasing certain reports were current in the public press involving a receivership and all those connected with it and some people who probably had not yet been discovered; therefore a committee should be appointed to investigate. I just want to refer to that for the mere purpose of showing, first, that my views on this subject are ancient, have never changed, and that all who were to be investigated took the course that I believe should be taken now, of demanding at the hands of the Legislature a most complete, thorough, exhaustive investigation, and from the beginning to the last there wasn't a demurrer entered either to the resolution or to the evidence before the committee as not being sufficient.

RECEIVERSHIP INVESTIGATION.

Listen: Whereas, grave charges have been made in the public press and by current report that tend to bring into disrepute the courts of the State touching the pending receivership of the International and Great Northern Railway Company, it is due to the officers of the State and the good name of the State that said reports and charges should be investigated and if false, exposed;

"Therefore, be it resolved by the House of Representatives, that a joint committee of the two houses be appointed to investigate said matters, consisting of two Senators and three Representatives, who shall proceed to investigate.'

"Mark you, there was not a reading man in Texas that did not know that resolution was directed at Hogg, Chilton, Campbell, Duncan and others who I am not able to distinguish now by calling their names. But not one of them appeared to enter a demurrer, because there was no specification, even as to the name of the party they were after. And there was McFord. We have not got that much better resolution than they had. We have got the name.

"What else? Did they appear and say that somebody ought to come up here and sign the affidavit that we have done something wrong, we are judges and receivers and things and somebody ought to swear that we have done something wrong before you can investigate us? What else was done? Our Representative who lived in the county where most of the men lived who were to be investigated didn't come in here, file a demurrer nor question the power of the committee or of the Legislature. The report of the committee to which the resolution was referred was signed by our local Representative, Mr. Lindsay, and I want to read his report to you gentlemen to show you that we have good reason to suspect from the action of a former Legislature that there was ground for saying that the course we think ought to be taken is the proper one for this House.

"Says Mr. Lindsay: 'I concur in the above report, not because I have any reason to believe any of the rumors or insinuations contained in the resolution to be true in fact, not because I have any reason to believe there exists any ground or cause for this investigation and expenditure of public funds thereon, no evidence of indiscretion on the part of the Court or any other person connected with the receivership having been brought to the knowledge of the committee, but because each and every one of the persons connected with the receivership have demanded a full and thorough investigation of all the affairs of the Legislature (applause), and a part of the records hereof. I have no reason to believe this investigation necessary, but as injury will be done the men whom I know to be honorable gentlemen unless such an investigation is had. Because of that injury having originated by the introduction of the resolution by this body, concur in this report that an investigation may be had and the parties given an opportunity for vindication.'

"Therefore I say that I may be pardoned when I say that I am startled, believing as I do and have for all these years, by the proposal that the investigation should be not at all or should be limited; and that the proposition coming from parties who say that they are so regardful of public expense that they don't want it done in the line of economy."

Mr. Jenkins—I desire to ask the gentlemen a question. Is not the resolution which you have read more general in terms than the one now before this House?

Judge Duncan—I am trying to make that clear. It is.

Mr. Jenkins—You say that Gov. Hogg and Mr. Campbell were concerned in that investigation?

Judge Duncan—They were.

Mr. Jenkins—Did they make an objection to the generality of it?

Judge Duncan—They filed an express waiver of it, sir. (Applause.)

EXPENSE OF INVESTIGATION.

Resuming Judge Duncan said: "Too expensive, gentlemen,' as it is said in 'The Hoosier School Master.' I am naming no names, but I will say that to the culprit all the expense of the machinery of justice is extravagance? (Applause.) And I can say that to the ends of justice no expense necessary to attain that end is extravagance. (Renewed applause.) That is why we are an organized social body. That is why we are, and by the grace of God are going to remain, a free and enlightened people. (Applause.) But they say it provides for too much junketing around, too much running around and going outside the State. The resolution only provides that in case the testimony deemed to be material cannot be procured at the city of the capital the committee shall be authorized to go beyond the State in the endeavor to procure it. The question of the extra territorial power of the committee has nothing to do with the case. I have noticed recently in the press that some gentleman, whom I have not known before was clothed with extra territorial powers, has been to St. Louis and found existing there some new testimony which cannot be fetched to Texas. I presume that if a committee with extra territorial power went up there it might be furnished access to the same magazine, if it was thought by the committee that it contained anything that would give light upon the subject.

"I suppose that seems to be an important telegram. Whether or not it is a forgery, it has been put forth as genuine. It is important to know whether it be genuine. If it was sent and read and received by the parties purported, I suppose it would be within the power of the committee, the scope or the authority of the committee to go where the original evidence exists, if it exists, and it be not a forgery, to determine as to whether it does exist.

"I believe in economy, but fellow members, present extravagance often turns out to be the most rigid future economy, paradoxically stated. (Applause.)

"But they say that the resolution does not specify enough. I want to call your attention. Much has been said by the press and by our friends on the other side in regard to what they allege to be the facts, that many charges which are known to have been made public against Mr. Davidson have been omitted from this resolution.

Now gentlemen, if you will take the great sheaf of newspapers which have been surcharged for six months with extreme, intemperate statements for both sides, and go back and try out and separate all the charges which have been cast abroad, you will have a most difficult task. You are apt to overlook some, but for fear that might be the case, the gentlemen proposing this resolution placed this clause which you may have overlooked, pertaining to the powers of the committee."

Judge Duncan here read a section of the resolution, which contains this language: "As well as all facts bearing upon the official conduct and integrity of said Joseph W. Bailey and said R. V. Davidson." He then continued: "Nothing left out. But they say it is not proper to investigate the private affairs of an official or to expose the affairs of gentlemen with whom he has been associated in a business way. I will let Mr. Bailey answer that argument himself. I will let him answer it, not in intemperate fulminations from the stump, but under the solemnity of an oath before the legislative committee by which an investigation was once had. He made a statement on oath. I read, mark it, page 150, House Journal:

"It is not pleasant to feel compelled to make a public statement of my private business affairs, and it is still more disagreeable to feel compelled to state the private business affairs of other gentlemen, but a man cannot stand upon a question of that kind when his integrity is assailed. (Applause.) And I have deemed it a duty to myself, my friends, and, most of all, to my party, and to my State, to trace every dollar of the money I paid for and received from the Gibbs ranch deal."

"Can a statute change a principle? Isn't a principle immortal, permanent in its application?

OPPOSITION SHOWS FEAR.

"But they fear. Oh, they see more ghosts than the old granny negro who used to tell me haunt tales in the chimney corner could have conjured up. They are afraid that there will be so much friction in the Legislature, and we will get to hating each other so cordially, that we will be so undemocratic as not to pass the platform demands and there will be a sort of armed neutrality between the executive and the legislative departments; brother will be set against brother, father against son, and the Democratic party will be riven as by a bolt from heaven, never to be again solidified.

"Away, away, away with such stuff as that, addressed to me as a human creature upon two legs, with a head on my shoulders. That is why I want to get the thing into a committee. Let the committee have the friction.

"Why, we are getting along pretty well, ain't we? I have just been charmed with every man I have met here of this House whom I had never met before. Whether we are pro or anti-investigation, we meet and talk and get along and there has been no feeling, so far as I know. There has been none on my part, and if there has been any on the part of other gentlemen I don't know it, and I don't believe they are hypocrites. We ain't going to split up the Democratic party on the question of investigation, I am sure. But if justice is denied and an investigation barred, and we are left without rudder and compass, surrounded by a sea of rumors which we are not permitted to dissipate (excuse the figure), by the revelation of the truth, then there may be friction. But I take it, if the question is referred to a committee with full powers without regard to man or devil, to get at the truth, and that committee makes a report one way or the other, every man will know.

"Gentlemen of the House, my physical condition after talking to you warns me it would be discreet to leave this question with you without further argument on my part and I only have this to add, that I haven't had time to examine and analyze the substitute offered, and I don't undertake to discuss it in its fullness, but I do know what this resolution is and I know it represents the judgment and the best thought and patriotism of sixty or seventy members of the Texas Legislature and we believe that a vindication of Texas, of Mr. Bailey or Mr. Davidson cannot be accomplished without a thorough, broad investigation of all the facts connected with their official conduct.

PURPOSE OF SUBSTITUTE.

"We submit that it is too apparent from the nature of the substitute offered that the purpose is not to have an investigation, but to have an excuse or pretense upon which to go back home to the people. Let no man be deceived. These walls enfold us, but to the gaze of the million people who are honest, desirous for the public good, we stand upon a stage, through the eyes, through the medium of the press, and the eyes are upon us. We should remember with a spirit of fidelity to ourselves, and for the good of the Democratic party, the dominant and forever dominant party in Texas, that it means the good of the State of Texas, it means that our young men for whose education we have provided such a splendid common school system and for whose final polishing and fitting for the higher walks of life, we have provided that magnificent institution on the hill, in sight of the Capitol (meaning the university), it means that by our action today we are in the process of moulding the characters and establishing or disestablishing the principles of these boys upon whom is to rest the destinies of State and Nation. It is under the responsibility that we should love and move and we should be careful in our action upon the most important episode now in progress. We should put before them no unholy ideals, no hurtful examples. Too often, too often, my ears have been vexed on the streets or in the train by that class of citizens, or the members of that class of citizens, who say, 'I am for him if he did get the money. They all do it and he is not worse than any of the balance.' God save the country from the multiplication of that sort of rascaldom. (Applause.) God save the youth of the country from the influence of such traitors and treasonable declaration.

"Others more desperate and abandoned have said, 'Whether he got it or not, I would do the same if I got his chance.' There is too much ground, other States have furnished too much grounds for such bias in the human mind. Other States have furnished too many examples which are taken as samples of such debasement of citizenship. Let us of the Southland of Texas—I wasn't born here; I was born in old Tennessee, in the poorest county in the State and on the poorest farm in the county. I came to Texas in 1859, when only 8 years of age, with my father and my family, but I have always gloried in the fact that my father carried a musket in the war with our neighbors by which the territory of the Union was doubled and which assured Texas to the consideration of the States. I have been proud of the fact that his love, his fealty and devotion was first to this State and that at Monterey and Cerro Gordo and Vera Cruz he was on the firing line and of the company that charged the black flag at Monterey and among the first to scale its walls, and I am proud of it all because of my father and Texas. (Applause.)

"Oh, let us never tolerate anything which will tend to cast a cloud across the grandest one of all the stars in the constellation of the States. We have got to vindicate Texas; we have got to vindicate it by vindicating Mr. Bailey or by condemning him or the testimony, one of the two. Are we going to lie supinely here and close our eyes, and say we will not know the truth?"

Prolonged and loud applause followed. It lasted for more than a minute and did not subside until Judge Duncan arose and bowed his acknowledgments.

Many of his associates congratulated him.

CHAPTER XLI.

CRAWFORD ON BAILEYISM.

(Address by Col. W. L. Crawford, at Waxahachie, Texas, Sept. 21, 1907.)

My Fellow Citizens: While I thank you for the invitation to address the people of Ellis County on the closely connected subjects of Bailey and Baileyism, I nevertheless regret the conditions that have made it advisable in your opinion to call on me to perform this patriotic duty. Such conditions have never before existed in the history of this State, and if we except the infamous rule of the carpetbaggers in the days of reconstruction, when bribery was common and the pillage of the people the apparent end of all political effort, such conditions have never before existed in any of the States of the South. For those wretched days we renounce all responsibility. Our homes were in ruins, our fields laid waste, our people were disfranchised and our government by the misfortune of war had passed into unlineal hands. Texas has a heroic history. In the sixty years of her statehood she has sent as her representatives to the Senate of the United States Sam Houston, Thomas J. Rusk, John Hemphill, J. Pinckney Henderson, Matt Ward, Louis T. Wigfall, O. M. Roberts and David G. Burnett, (the last named not seated, but their places filled by Morgan C. Hamilton, and J. W. Flanagan, Republican Senators of the Reconstruction Era), Sam Bell Maxey, Richard Coke, Jno. H. Reagan, Horace Chilton, Roger Q. Mills and Charles A. Culberson.

It has never been stated or intimated by friend or foe that a dirty dollar ever touched the hand of any of these, or that an act of treason against this State ever seared the conscience or blighted the soul of any one of this illustrious galaxy. Honor and truth illustrated their lives, and love of country was the North Star by which they directed their course and to which they conformed their conduct. Nearly all of these men sleep in honored graves. The three survivors still pursue the paths their fathers trod—still cling to love of country and to uprightness in the public service as the brightest jewels that can adorn the patriot's life. The illustrious dead of this proud galaxy of soldier-statesmen, by their honest efforts and unsullied lives, left to us a heritage of unmeasured worth—a grand State, peopled by honest and brave men, with no stain or dishonor on the records of the servants of the people in the Senate of the United States. With this heritage was cast upon us the just responsibility, not of preserving and perpetuating the honor, the dignity, the glory and prosperity of our State, but of improving and adding to all of these noble things by our personal efforts and personal sacrifices, so that we may transmit to our children this grand State and its government in a condition better and brighter than when it came to us.

But the strongest, the bravest and the best people cannot, at all times, prevent the formation of treasonable plots and save their trusted servants and honored officers from the blighting temptation of corrupting gold.

The measureless fortitude, the matchless courage, the ceaseless vigilance, the noble purpose of the patriot army under Washington to make this country free, of all of which Benedict Arnold had been a part, could not prevent or defeat the culmination of his treason. But history records no name so groveling, so abandoned and lost to shame, as to say to Benedict Arnold, he was the "bravest of the brave, has been my friend, and I will stand by him now." Friendship must rest upon worth, and must continue upon continued worth, or else its sweetest and holiest attributes are lost.

The progress of time and circumstance has been such that each generation has been surrounded by its own dangers and difficulties, and each has been charged with the duty of protecting the safety of the State against these dangers as they have arisen. It is comforting to us to-day to feel that our fathers in their day met heroically every

issue thrust upon them. The war with Mexico for independence was an issue that belonged to them, and history tells how true and loyal they were to duty then. The annexation of Texas to the Union was another issue. Look around you, my countrymen, and contemplate your fruitful fields, your happy homes, your towns and factories, and everything from earth to sky, and let all attest the wisdom of our fathers in this.

The next issue—the most trying and saddest of all—was the war of secession. If in this conflict our land was laid waste and the bravest and best of our men consigned to soldiers' graves; if our hopes of national independence, were crushed by the iron hand of war, still we emerged from it with honor unsullied and courage undaunted.

These things are to-day called to your minds for the purpose alone of directing your attention to the manner in which the people of Texas have met each succeeding issue as it has arisen, and how in every trial their conduct has been characterized by truth, honor, virtue and self-denial. They lived above reproach, as the great masses of the people of Texas live above reproach and in honor to-day. And their officers and servants lived above suspicion of bribery and treason against the public welfare and the public policy of the State. They would have tolerated nothing short of this, and if the conduct of a public officer had been such as to create against him a just suspicion of wrong doing against the public policy of the State, or its honor, the scorpion lash of public indignation would have driven him from place and power and consigned him to shame. Can it be, my countrymen, that there is less of honor, truth, courage and patriotism among the people of Texas today than in the past, or if it be true that in the demoralizing and degrading whirl of commercialism we are compelled sorrowfully to look upon a decadence of public virtue and patriotism?—can it be that there is not enough of public virtue and public courage left to defend and protect the honor and dignity of Texas against all assailants and their treasonable allies and abettors?

At peace with all the world, loved by many nations, honored and respected by all, what are the issues with which we have to deal to-day? What the dangers that have confronted us in the recent past and menace the public welfare of our State and country now? What is the task that honor and duty call on us, the people, to perform to-day? The greatest dangers to the people arise from economic and commercial propositions. For years the people have been opposed by the wrongs of monopolies, and have groaned under the cruel tribute exacted and taken by dishonest trusts. For years they have denounced these wrongs in political platforms, and have demanded that they be abolished and destroyed. The people have written prohibitions against these things in their constitutions; have enacted laws by their legislatures to destroy and exile them; have created courts and appointed officers to administer these laws and enforce the decrees made pursuant to them. The will of the people—the public policy of the State of Texas, is known to all men, that transportation companies engaged in State and interstate business shall receive no more than a just and reasonable compensation for the service rendered; that monopolies and trusts shall not exist in Texas. It is true of these things, that if permitted to exist and go unrestrained they will in time consume the substance of the people, debauch and degrade the public morals, bar the way to individual effort, destroy liberty and crush out hope. These combined subjects are known as "the interests." Between "the interests" and the people the conflict has been waging for years, and must continue until "the interests" are subjugated, destroyed and brought under the control of just laws, or until government by the people shall become a reproach, and liberty, dishonored and undone, shall flee the land of its birth.

There are more than ninety per cent of the people of this State who have no personal desire either for the emoluments or honors of office. They constitute the great industrious, non-scheming part of the people; they fill every walk of industry; they conduct every legitimate line of commerce and manufacture; they project every useful internal improvement and aid them by their assistance freely given; they fill and adorn every polite profession and every educational institution; they love their

homes and their country, and are contented with the fruits of their own labor; they are intelligent, honest-hearted, sincere and patriotic; they are interested alone in good and honest government; they wish no man a misfortune, and would do no man a wrong; they are trusting and confiding, slow to suspect and slow to anger. With all this, they are not unmindful of their manhood, their dignity, their rights and their power. When too much oppressed they will turn and strike the oppressor down, and when betrayed by one whom they have honored and trusted, they will destroy. No man can advocate measures before election contrary to their convictions of right and justice and secure their votes, and thus it sometimes happens that the conscienceless demagogue, with lying tongue, will make professions of loyalty to the people and of desire to serve them, when in his heart he despises their simple, honest ways, and in his purse he keeps the gold of the trusts, monopolies and "the interests." From this it results that we must judge all men by their acts and deeds rather than by their professions. The coward boasts of his courage, the liar of his veracity, and the traitor of his loyalty. Modest men of worth shun these hypocritical professions.

Let us now proceed to a calm, dispassionate consideration of the facts in this case, and let us try to reach a just and honest conclusion, and when that conclusion has been reached, let us vow as patriotic citizens that the honor of Texas shall be preserved and her public policy enforced, though the ambition of every man in public life to-day must be destroyed to do it.

THE EXPULSION OF THE OIL TRUST.

In 1895, certain suits for penalties aggregating \$105,000 were filed in the District Court of McLennan County against the Waters-Pierce Oil Company for a violation of the anti-trust laws of Texas. In 1897 a suit was filed in the District Court of Travis County to drive this same iniquitous and criminal corporation out of the State for violating the same anti-trust laws.

In order that you may understand the methods of this trust, your attention is here called to the amount of money taken by it under the methods of the Standard Oil trust, of which it was then, and ever since has been, a part, under first one thieving device and scheme and then another. The Waters-Pierce Oil Company—this branch of the Standard Oil Trust—in 1895, the year in which the penalty suits were filed in McLennan County in behalf of the people, had a capital stock of \$400,000, and no more. In that year the profits of the trust were \$1,030,610.32 or two hundred and fifty-seven and sixty-five one-hundredths per cent of profits on the capital stock of its business. In 1896, its profits were \$1,203,046.28, or three hundred and seventy-six one-hundredths per cent of its capital stock. In 1897 the per cent of profits to capital stock was one hundred and ninety-eight and thirty-nine one-hundredths; in 1898 the same per cent of profits was two hundred and forty-eight and three-quarters; in 1899 it was two hundred and fifty-six, or in the five years covered by the period from 1895 to 1900 this trust took from the people as profits on a capital stock of \$400,000, \$5,046,727.14, as will appear from the following statement:

| Term— | Capital. | Profits. | Per Cent of Profits to Capital. |
|--------------------------------------|-----------|----------------|---------------------------------------|
| January, 1894, to January, 1895..... | \$400,000 | \$1,030,610.32 | 257.65 |
| January, 1895, to January, 1896..... | 400,000 | 1,203,046.28 | 300.76 |
| January, 1896, to January, 1897..... | 400,000 | 793,575.07 | 198.39 |
| January, 1897, to January, 1898..... | 400,000 | 995,072.63 | 248.75 |
| January, 1898, to January, 1899..... | 400,000 | 1,024,422.84 | 256.00 |
| Total | | \$5,046,727.14 | |

Think of the business of the farmer, the stock raiser, the manufacturer, the merchant, the banker, and every industry conducted in Ellis County during that period, and tell me if these enormous profits do not establish by plenary proof that the methods of acquiring them were dishonest. The farmer in Ellis County makes eight

or ten per cent upon his capital, and yet feels grateful. The average per cent of profits upon every industry in Ellis County, I venture to say, is less than ten per cent, and yet this trust in this period of time in the lowest year made one hundred and ninety-eight and thirty-nine one-hundredths per cent upon its capital stock and in the highest year made three hundred and seventy-six one hundredths per cent, while ten per cent profits is more than the industries of the United States yield, and ten per cent on \$400,000 is only \$40,000; and if liberal and legitimate returns had been made in a run of five years, this trust would have made but \$200,000, whereas, by trust methods, it took from the people in the territory in which it operated over \$5,000,000 in this same period of time. These suits to which we have referred encountered the necessary delays of the law, but the suit in Travis County was in favor of the State, and this powerful and conscienceless trust was condemned by the verdict of a jury. The trust company appealed to the Court of Civil Appeals. The judgment occurred and the wires flashed the results, announcing the victory of the State, the people rejoiced in the belief that the majesty of the law was to triumph and that there was learning and virtue in the courts sufficient to save the people from the pillage of this trust.

In 1900, when the Supreme Court of the United States affirmed the constitutionality of the anti-trust law and of the judgment against the Waters-Pierce Oil Company, every man in Texas knew that the legal battle was ended; that the learned lawyers who had represented the Waters-Pierce Oil Company had exhausted their learning and skill, and that nothing in the name of law could be done, unless it was perhaps to present to the Supreme Court of the United States a motion for a rehearing. This trust that had monopolized the oil trade in Texas from 1882 to 1900 stood condemned by the judgment of all the courts, and the people were to be freed from its spoliations and its robberies in the future. The Attorney General who instituted this suit and prosecuted it to a successful termination had passed out of office. When this suit was instituted Charles A. Culberson was Governor and M. M. Crane, Attorney General. These men had promised the people that their anti-trust laws would be enforced, and in the litigation that ensued they faithfully redeemed their pledge. In 1899 Culberson entered the United States Senate.

Crane had retired to private life and to the practice of his profession—had gone back to the body of the people from which he came, but he carried with him the proud memory that he had fought the people's fight and won. When all legal remedies had been exhausted; when there was no longer a court in this State, or in the Nation, to which the Waters-Pierce Oil Company could appeal for some technical rule even that would enable it to continue its nefarious business; when the skill and ingenuity of the learned lawyers representing this trust had been exhausted; when they realized that majesty of the law had triumphed and that the culprit must submit to its decree; the scene shifts and new characters come upon the stage. Sayers was governor; Tom Smith was Attorney General, and Hardy was Secretary of State. These men had neither studied the questions nor borne the heat and burden of the legal battle that resulted in the conviction and expulsion of the Waters-Pierce Oil Company from Texas.

JOE BAILEY, THE AGENT OF THE OIL TRUST?

Joe Bailey was a member of Congress and had been since 1890. He was not familiar with the affair of the State of Texas, as he testified in January, 1901, when Senator Decker asked him (Bailey) "Can you suggest any remedy for this anti-trust law?" And Bailey answered: "Mr. Decker, I devote myself to Federal questions and do not consider my opinion on State matters entitled to very great weight." Pierce, the head of the Waters-Pierce Oil Company, applied to David R. Francis, a distinguished politician of the State of Missouri, not a lawyer, but a business man of acknowledged sagacity and power—a successful man of affairs. Before this Governor Francis had been interested in the great public enterprise of holding the Louisiana Purchase Exposition in the City of St. Louis. In this behalf he had been much about Washington seeking aid from the Federal Government. He had known Bailey prior to this time, but he had become better acquainted with him there. While there

Francis had formed specific ideas of Bailey's ability (for while Bailey in a demagogic way and with loud speech, to be heard in Texas, denounced government aid to the St. Louis Exposition as unconstitutional, he nevertheless aided in its passage), Francis knew of Bailey's power to produce results by the use of other men. He had learned to measure the man, and so when Pierce asked Francis for an interview and told him that his lawyers in Texas and elsewhere had fallen down in this lawsuit; that he wanted some man who could control the situation and continue the business of the Waters-Pierce Oil Company in Texas, as, otherwise, it would be driven out, and his 600 or 700 per cent of profits greatly impaired. He wanted Francis to refer him to some man—for what? Not to appear in any court to redress a wrong done against the Waters-Pierce Oil Company. Not to protect any interest of Pierce in Texas for he had no interest here except to answer a bill of indictment in which he was defendant along with Rockefeller, Rogers, Flagler and others for violating the criminal laws of the State, and Pierce would not have trusted his safety, in a court house and before a jury, on these indictments to Joe Bailey. Pierce wanted a man who could evade the judgment of the law, already pronounced and final, except only as to execution. By the operation of this Trust he and the Standard Oil Trust were making a million and a half dollars a year on a capital stock of \$400,000. Pierce did not want to be jarred loose from so profitable a proposition as this. No man who worships gold above his country, or his God would give up such a snap as this if any kind of fraud and corruption could circumvent the judgment of the law and enable him to continue his depredations upon the people of Texas. Francis did not hesitate. Of all men in the world of his acquaintance he selected Joe Bailey, and telegraphed him to come to St. Louis at once. He came, and on the day Joe Bailey arrived Francis departed, but left a letter for Bailey to Pierce that brought these men face to face. One of them was the head of an outlaw trust that had been despoiling the people of Texas from 1882 down to 1900, over a period of eighteen years. The other was a congressman from the State of Texas who had from 1890 down to 1900 iterated and reiterated to the people of this State his devotion to them and their interests; his opposition to monopolies and trusts. He had proclaimed everywhere and on all occasions his ability, his courage and his purpose to protect their honor and defend their rights against monopolies and trusts.

Francis says that he recommended Bailey as "a lawyer," and believed that he was recommending him to perform the service of a lawyer out of which he could earn a legitimate fee. Bailey said it was not a case for a lawyer, but for "political influence." When Bailey and Pierce met, Bailey readily undertook to avoid the force of this judgment of ouster—readily undertook to turn to ashes all the fruits arising from the labor of the law officers of Texas, readily undertook to defeat and circumvent the laws of the people of Texas and to restore this trust to the enjoyment of all the functions of pillage which it had practiced for eighteen years. Bailey said that the proposition involved "influence," for which he could not take a fee, but he did undertake the odious task against the rights of his people, the laws of his State and the judgments of her courts on account alone of his "friendship for Dave Francis," who lay very near his heart.

My fellow citizens, has true, honest friendship, in the history of this world, ever made such an infamous demand upon a friend? If it has a parallel in the memory of any man, let him speak!

This plea, that Bailey inflicted this great wrong upon the people of Texas because of "friendship for Francis," is but an unmanly and an untrue subterfuge.

He knew that a confession of the truth would have damned him eternally in the estimation of every honest man. Francis, who has been honored in his own State, (Missouri), and in the Nation, owes it to himself and to decency to publicly state that he never in the name of "friendship," laid any such requisition upon Joe Bailey.

Francis telegraphed Joe Bailey at Gainesville to come to St. Louis. Francis had no business with Joe Bailey; he left St. Louis the day Bailey arrived there. Bailey was to meet Pierce. They did meet on the 25th day of April, 1900, in St. Louis, beyond the jurisdiction of the courts of Texas and then and there entered into the treasonable plot to defeat the enforcement of the laws of Texas, to perpetuate the

business of this thieving trust in the State, and to further fill the plethoric money bags of Pierce, (whom Governor Campbell has within the week past denounced as "The Pirate of All Pirates") with the hard-earned money of the industrious people of this country. The whole truth of what occurred between Pierce and Bailey at that seance of High Finance and Fraud will never be known to the honest people of Texas. We have, however, found out some things that incriminate both.

What right had Joe Bailey to interfere in this matter at all? He was a congressman, and the administration of the affairs of the State had been placed in other hands by the people. The truth is, that on the 25th day of April, 1900, Joe Bailey was under financial obligations to Francis on the Gibbs ranch deal, which was consummated about June 24, 1900, and was then being worked out. Bailey's friends considered that in the Gibbs ranch deal he was getting a property worth nearly a quarter of a million dollars. Bailey says that Francis and Joe Sibley, a Standard Oil Congressman from Pennsylvania, bought the Gibbs ranch for him and paid Eighty Thousand Dollars in cash and 21,000 acres of Pecos land, and allowed him thirty years in which to repay it; the Gibbs ranch was sold to Francis subject to \$80,000 of mortgages and liens and for \$4,000 in cash, (which was paid by Joe Bailey,) and for 21,000 acres of Pecos land, which was conveyed to Gibbs by Francis according to Francis' testimony.

On this day, 25th of April, 1900, Bailey received from Pierce three thousand and three hundred dollars in cash. And this is "friendship of Francis." Bailey concealed the receipt of this money from Pierce from the people of Texas, although it became his duty on more than one occasion to divulge it. In fact, this transaction was not known to the people of Texas until after Bailey's election to the Senate, January 22, 1907. The photogravures of the vouchers which show this transaction and his shameful connection with it were never published until January 21, 1907, and then in the Chicago Examiner, which did not reach Austin until January 23, 1907.

It is true that the originals of some of these papers, and perhaps others, came into the possession of Attorney General Davidson in the fall of 1906. It is true that in response to a resolution passed by the House of Representatives Attorney General Davidson delivered the papers to the speaker, T. B. Love, on the 17th day of January, 1907.

It is true that on the motion of T. D. Cobbs, a representative from Bexar county, (and one of Harriman's lawyers, and one of the Committee of Investigation, who entertained Joe Bailey at his home in San Antonio as his guest while he was engaged as a committeeman in trying Joe Bailey for his acts against the people of Texas and who resigned his office as legislator rather than surrender his free passes on the railroads), Joe Bailey and Tom Love retired to the Speaker's room and examined these papers. On his return to the Legislative Hall Joe Bailey attempted to explain these papers, and his criticism of them, which was published broadcast, would have done credit to the fraudulent ingenuity of Abe Hummel, the New York shyster, now serving a term in the New York Penitentiary for his crimes. Go back and get his speech on that occasion and read it in connection with his subsequent admissions and the evidence of his own witnesses.

That paper, The Examiner, contained a photo-engravage of this account:

St. Louis, Mo., June 30th, 1900.

Waters-Pierce Oil Company, to H. C. Pierce, Dr.

April 25th, To demand loan to Joseph W. Bailey on Mr. Pierce's personal voucher of April 25th, 1900. A-C. Texas Cases, \$3,300.

Approved for payment,

J. P. GRUETT, Secty.

Audited, H. Naudain. Entered, V. R. J. P. G. Jr.

Received June 18th, 1900, from Waters-Pierce Oil Company Thirty-Three Hundred Dollars in full payment of the above account.

(Signed) H. C. PIERCE.

But some one may ask why did Pierce write upon that paper that it was a LOAN to Joseph W. Bailey? Why, my fellow citizens, Senator J. Ralph Burton of Kansas, convicted and punished for taking a fee from a fraudulent company in St. Louis for the exercise of his influence with the Post Office Department, looked back upon his course through prison bars and said that the mistake he had made was not in "borrowing" the money from the Rialto Grain Company, after the manner of Bailey, instead of taking it as a fee. This is an old dodge, and this paper, in connection with other matters in the same line, but emphasizes guilty knowledge and guilty intent on the part of Bailey and Pierce, too.

When Bailey came to Texas to secure the readmission of the Waters-Pierce Oil company into this territory, he had \$3,300 in money from that corporation, through H. C. Pierce, its President, in his pocket, and the vouchers for such money were audited and paid by the Waters-Pierce Oil Company.

Joe Bailey says that just after the close of the senatorial contest with Senator Chilton he started back to Washington. He says at St. Louis he met Mr. Pierce, President of the Waters-Pierce Oil Company, who presented him a letter from David R. Francis. He says he told Mr. Pierce that Mr. Francis was a particular friend of his, and that he would be glad to assist any friend of Mr. Francis in so far as it was in his power and proper. He says he then asked Pierce to state what the trouble was, and Pierce said he was being driven out of Texas and wanted to continue his business there; he says Pierce told him his company was not the Standard Oil trust, nor any part of it. Bailey modestly said to Pierce: "If you can convince me that your company is not a trust, and will agree to come to Texas and take the oath to obey the laws, I will undertake to say that you will have no trouble with the officers of the State." By what authority did he make this statement? Who authorized him to pledge in advance the official action of the sworn officers of the State of Texas? Bailey says Pierce satisfied him that it was not a trust, and that he told Pierce he would return to Texas in a few days and would lay the matter before the Attorney General and the Secretary of State. He says Pierce thanked him for this assurance, and stated that he would be glad to pay him for his trouble. Bailey says that he could not pay him for that kind of service, and Pierce asked him if he was not a lawyer, and Bailey says, "Yes, but I practice law and not 'influence.'" Bailey says that he told Pierce that he did not need a lawyer, and that it would only be necessary for him to go in person to the Attorney General and Secretary of State and convince them that his company was not a trust and take the oath to obey our laws. Bailey says he telegraphed Mr. Stribling of Waco to meet him at Hillsboro; Stribling could not do this, and Bailey continued his journey to Waco. In Waco he conferred with the interested parties in respect to the Waters-Pierce Oil Company's litigation at that place. Now, mark you, neither the Attorney General nor the Secretary of State were there in Waco. Bailey says he went from there to Austin and saw Governor Sayers. He says just as he was leaving the Governor's room he conferred with him about the Waters-Pierce Oil Company's continuance in Texas and explained the matter to Sayers as Pierce had explained it to him. How had Pierce explained it to him (with \$3,300?). He then went to the Secretary of State, and says that he stated to him practically as he had stated to Mr. Thomas and others at Waco and to Governor Sayers, but does not state what statements he made to Thomas or others at Waco. He says he then went to the Attorney General's office and went over with him the same ground he had gone over with the others. He says when he had finished Tom Smith says: "Joe, I have no option in this matter. Even if I knew that this company was not a trust, and that it would keep its promise to obey our laws, I could not allow a permit to be issued under the judgment of the court." He says Tom Smith asked him if he had ever examined that judgment, and he told him that he had not, but that Pierce had told him that the court had acquitted his company of the charge of being a trust. Bailey says that Tom Smith then got a copy of the judgment and a statute and that they examined them together and agreed that the Waters-Pierce Oil Company then existing could not be permitted to conduct its business in Texas. Bailey says that all these things had occurred between himself and Tom Smith.

Tom Smith was sworn upon the same subject matter, and he says that Pierce and Johnson, the St. Louis attorney of the Waters-Pierce Oil Company, had been in his office trying to adjust their business in Texas, and begging for time within which to adjust their business preparatory to abiding the judgment recently affirmed by the Supreme Court of the United States, which, Smith is of opinion, occurred in March, 1900. Smith says that he considered that the judgment banishing the Waters-Pierce Oil Company from Texas was perpetual. Smith says they wanted to pay penalties and suggested fabulous sums. Smith says he told them, that is, Pierce, Johnson and whatever other attorneys were there, that he would not consider their money; that money was no object to Texas where principle was involved; and Smith says: "That was all I had to say to them." Smith says that just about the time of the second visit of these men some one said "Your friend Bailey is in town," and he says he wrote a note to Bailey asking him to drop in; that Bailey came within an hour after the note, which he said he had not received. He says that he and Bailey talked on political issues, and Bailey broke away from the political side of the question and says to Smith: "If you think that they could do business legally, on account of a friend, (Francis), I would be glad for them to be admitted." Why did not Bailey tell the truth, and say to him, "Tom, I have \$3,300 of Pierce's money in my pocket now, and am expecting aid from Francis and Sibley in the purchase of the Gibbs ranch, out of which I expect to make a fortune." No man who knew the scheme for the re-admission of the company to be fraudulent, and the intent behind the act criminal would have made the disclosure. Bailey did not make it. Smith says to Bailey: "Have you read our statute on the subject?" and Bailey said, "No, I have not read it," and Smith said, "That was about all Mr. Bailey said, and all his connection with it." Smith says: "Just after Bailey left the gentlemen who had been in the office the day before made another visit,"—namely, Mr. Pierce, Judge Clark and Mr. Johnson. Smith says that nothing came of that interview, and that that occurred in the first part of May, 1900. Smith says the Waters-Pierce Oil people wrote him and wanted him to suggest some method whereby they could do business. Smith says: "All I could say was, 'You can't do business in Texas under your old charter; I will grant you a reasonable time to adjust your business.'" Bailey says that when his interview with Smith closed he told Pierce, who was then in Austin, that the only thing left for him to do was to dissolve that offending corporation and organize a new one; to come back with clean hands, obey the law, and he would have no further trouble with our people. What did Bailey mean by "offending corporation" if he did not then know it was a trust? Now, mark you! By the record before the Investigating Committee in January, 1901, Bailey was the first man to suggest to the Waters-Pierce Oil Company this dissolution of the old "offending corporation" and the fraudulent re-incorporation of the same infamous trust. Tom Smith's suggestion that "You cannot do business in Texas under your old charter," was in answer to a letter from the representative of this trust after Bailey had given this advice; but Bailey says that he was not responsible for this re-organization. He advised it; he counseled it; he pointed the way and indicated the methods by which the judgment in favor of the State of Texas was to be avoided, the public policy of the State defied and trampled on, and this trust permitted to continue its spoliations of the industrious people of Texas. His personal presence at the dissolution of the old corporation; his personal presence at the organization of the new corporation; his personal presence with Pierce when he made the false oath; his personal presence with Hardy and Smith when they approved the re-admission, were wholly unnecessary. If a man in the Indian Territory pointed the way, advised the methods, counseled and encouraged a crowd of men to invade Cooke County and steal horses from a ranch, though the man who advised, encouraged and counseled in the perpetration of the theft was never in the State of Texas, still he is an offender against the laws of the State, and ought to be convicted as a thief just the same as the men who drove the horses from the pasture and into the Indian country and there converted them. No lawyer in this assemblage will deny the truth of that proposition.

Now, there is another thing. Before that same investigating committee, on

January 21, 1901, Bailey says: "It is not pleasant to be compelled to make a public statement of 'my private business affairs,' and it is still more disagreeable to feel compelled to state the private business affairs of other gentlemen, but a man cannot stand upon a question of that kind when his integrity is assailed, and I deem it a duty to myself, my friends, and most of all to my party and to my State, to trace every dollar of the money paid for and received from the land, cattle, etc., in the Gibbs transaction." Why did he not then disclose his many dealings with Pierce?

The political situation that had pointed against Bailey then was that his practices in favor of the Waters-Pierce Oil Company had been treasonable to the people of Texas. In all of his testimony before that committee, and in making this hypocritical disclosure of his private business affairs in respect to the Gibbs ranch, and when talking directly about his efforts in favor of the Waters-Pierce Oil Company originating in a friendship for Governor Francis and him alone, he studiously concealed the loan of \$3,300 on April 25, 1900, and that on June 13, 1900, he had a drawn check or a sight draft for \$1,500 on H. C. Pierce, which was paid by the Waters-Pierce Oil Company to Pierce, there being a note on the face of it that it had been paid to J. W. Bailey "account of Texas cases."

On May 31, 1900, the so-called "New Waters-Pierce Oil Company," in the manner aforesaid, and by the means aforesaid, aided, encouraged and abetted as aforesaid by Joe Bailey, then a Congressman from Texas, got a permit to continue in Texas.

That you may understand the extent of its robbery of the people after its fraudulent re-admission into the State by means of the bogus dissolution, and re-incorporation of the same old trust and the taking of a false oath, which they call "bowing to the law and coming back into Texas with clean hands," we call your attention to a statement of its profit upon its capital stock as follows:

| Term | Capital | Profits | Per Cent of Profits of Capital |
|-----------------------------------|-----------|-----------------|--------------------------------|
| January 1900 to January 1901..... | \$400,000 | \$1,813,032.88 | \$453.00 |
| January 1901 to January 1902..... | 400,000 | 1,987,184.33 | 497.00 |
| January 1902 to January 1903..... | 400,000 | 2,001,203.18 | 500.00 |
| January 1903 to January 1904..... | 400,000 | 2,699,818.68 | 670.00 |
| January 1904 to January 1905..... | 400,000 | 2,790,951.87 | 672.00 |
| Total..... | | \$11,292,190.94 | |

Thus taking from its trust territory profits on its old \$400,000 capital amounting to \$11,292,190.94 or more than twice the sum dishonestly pillaged from the people in the five years preceding its expulsion as shown by former table. This robbery of the people in a period of five years was evidently agreeable to Joe Bailey, and his co-conspirators and the people were expected to endure it patiently and now that their rights have again been re-established in the courts to condone Bailey's treason and still without a murmur hold him in the highest office of honor within their gift, without complaint. Every lawyer knows—the people instinctively know—that every one who enters into a common purpose or design is deemed a party to every act which has before been done by the others, and a party to every act which may afterwards be done by any one of the others in furtherance of the common design. The purpose of seeking the re-admission of the Waters-Pierce Oil Company into Texas was to enable it to rob the people. Through Joe Bailey's influence it was readmitted; through his influence it was kept here. It did rob the people, and Joe Bailey cannot avoid the consequences of these outrages by any rule of ethics or of law. While this thieving trust was pillaging Texas and other parts of the territory, Joe Bailey was doing fairly well in a financial way in getting money from Pierce, which was paid by the Waters-Pierce Oil Company and getting money from the Standard Oil Trust for advice about a matter of which he swore in 1901 to Decker he knew nothing.

But Joe Bailey's services did not end with this. He undertook to keep it here, as the facts will show. Henry and Stribling, a co-partnership of lawyers at Waco had been private counsel for the State in the Waco penalty suits. They had retired from or been forced out of the case by Cullen F. Thomas, the County Attorney of McLennan County. Henry was then Congressman-elect from the Waco District and took no further interest in the matter after the retirement of his firm from that suit. Pierce, in connection with his attorney, Johnson, and the "friend of Francis," Joe Bailey, had offered the pitiful sum of \$10,000 to the State and \$3,000 to Henry & Stribling as a fee for their services to the State in this matter. Tom Smith had said that Pierce had offered him, "fabulous sums," but this was before Joe Bailey came into the fight. About June 5, 1900, George Clark, of Waco, one of the Texas Attorneys of the Waters-Pierce Oil Company, wrote J. D. Johnson, the St. Louis attorney of the same company, that Stribling was mad and was threatening a receivership for the Waters-Pierce Oil Company in the courts of Texas. Now, this fraudulent re-admission was too fresh and the fraudulent schemes too apparent to stand even a little jar in any court in Texas, and so the following proceedings were had:

On June 12, 1900, Bailey and Pierce were widely separated. One was on the lakes in Wisconsin; the other at Gainesville, Texas. Finley was the brother-in-law of Pierce, and in charge of the Waters-Pierce Oil Company, and was in St. Louis. Johnson was and had been for a long time the General Attorney for the Waters-Pierce Oil Company, and was in St. Louis. On June 12, 1900, Pierce sent the following telegram to Finley:

Lake Nebagamon, Wisconsin, June 12th.

Andrew M. Finley, St. Louis, Mo.

If Johnson approves authorize Bailey to loan Stribling on his note fifteen hundred dollars. Bailey should quiet all Texas parties. Tell him I will see him soon.
H. C. PIERCE."

On this telegram there is a notation in writing: "S. D." (which means a sight draft) "Drawn by Bailey for \$1,500." On June 13, 1900, at the town of Gainesville, Bailey draws his draft on H. C. Pierce in favor of himself or his bank for \$1,500. By a receipt dated St. Louis, Missouri, June 15, 1900: "Received of Waters-Pierce Oil Company \$1,500—J. W. Bailey, account Texas cases, signed H. C. Pierce." (Signed either in Wisconsin or in St. Louis, after Pierce's return). On the reverse side of this there is in writing: "Account Stribling & Taylor (erased) Henry & Stribling (inserted) fees Waco cases," and the notation of "anti-trust civil case." At the same time, or bearing the same date, there is an account as follows:

"Waters-Pierce Oil Company to Henry & Stribling, Dr., Waco, Texas. Account of fee expense in anti-trust civil case of State of Texas, vs. W.-P. O. C. at Waco \$1,500.

On the face of this account is: "O. K., J. D. Johnson," thus meeting the requirement of Pierce's telegram from Lake Nebagamon to Finley. This account is approved for payment by A. M. Finley, vice-president. It has a receipt: "Received June 15, 1900, from Waters-Pierce Oil Company \$1,500, in full payment of above account." That receipt is attested by Bailey's draft drawn at Gainesville on June 13th in favor of himself on the Red River Bank at Gainesville. On this same account is this notation: "Draft delivered to Mr. H. C. Pierce by Mr. Gruett, November 17, 1900. And all of these different items were audited by H. H. Stein, one of the auditors of the Standard Oil Trust, except the \$3,300, which was audited by H. Naudin, another of the auditors of the same trust.

Now, my fellow citizens in calling your attention to these combined transactions, which aggregate \$4,800 of principal, I desire to call your attention to the fact that Bailey says that when the attack was made upon him in connection with the Gibbs transaction he resolved that he would not allow the business affairs of a "friend" like Mr. Francis to become involved in the bitterness of political strife, and he set about to purchase the Francis land from Gibbs. He complains that his enemies were dragging Francis and Joseph C. Sibley into these accusations and into the poli-

tical troubles in Texas, growing out of the destruction of the people's victory against this trust and restoring to it the power to further pillage them. It is of no concern whether the Gibbs transaction had any relation to Bailey's services rendered to the Waters-Pierce Oil Company or to the St. Louis Fair project. Bailey says he wanted to get rid of those things in order to spare the feelings of Francis and Sibley. He had no concern either for the feelings or the rights of the people of Texas.

Now, as growing out of these transactions and the exhibits to which I have referred, I want to call your attention to some testimony in this case developed by the investigation of 1907, not hinted at in Bailey's Testimony before the Legislative Committee in 1901, which, in my opinion, damns him in the estimation of all honest and fair-minded men.

I call your attention to the fact that on the account marked "Waters-Pierce Oil Company to Henry & Stribling," there appears this notation: "Draft delivered to Mr. H. C. Pierce by Mr. Gruett on November 17, 1900." At the same time the due bill for \$3,300, which was taken from Bailey April 25, 1900, went into the hands of Pierce. The record shows that about the 17th of November, 1900, Bailey was in the city of St. Louis. On the 23rd of November he received \$200 which was charged to him on the books of the Waters-Pierce Oil Company. * * * Do you believe that if he had in that investigation disclosed the fact that he had the money of the Waters-Pierce Oil Company in his pocket at the time he was negotiating with your Attorney General and Secretary of State, and inviting the assistance of your Governor to secure the re-admission of the Waters-Pierce Oil Company, that he could have obtained, even from a partisan committee, if half way honest, a vindication? What did Pierce want with these evidences of Bailey's indebtedness? Why, on the 17th of November, did Pierce, as president of the Waters-Pierce Oil Company want to withdraw these papers from the files of that company? What occurred between Bailey and Pierce in St. Louis about the 17th of November, 1900? We have been unable to inquire of H. C. Pierce. He has dodged all process servers and spurned all efforts of the people to secure his evidence.

Let us see what relation David R. Francis had to this matter. Francis says that when he introduced Pierce to Bailey, or Bailey to Pierce, he believed Pierce wanted to employ a lawyer for such legitimate business as a lawyer might do. Francis says he believed Bailey was a good lawyer, although himself having business in Texas, and large interests elsewhere, he had never sought Bailey's assistance as a lawyer and had never paid him a fee. By some means or other, on the 22nd of November, Francis writes Pierce in the City of St. Louis a note, enclosing at the same time his check in favor of Pierce for \$4,800—no interest, mark you, though Bailey says these so-called loans were to bear interest—and requests Pierce to send to him (Francis) the claims he has against Joe Bailey, and on the same day, to-wit, November 22, 1900, Francis sends these two guilty papers—the \$3,300 and the \$1,500—to Joe Bailey at Washington. Francis says that he does not know where or from whom he got the money which he sent to Pierce. Francis did not know that five days before he sent his check to Pierce, Pierce had withdrawn these witnesses of crime from the records of the Waters-Pierce Oil Company. Was Pierce holding these papers so that no one might know of the transaction except himself and Francis? Was he waiting and expecting this remittance from Francis. When Francis wrote the letter to Bailey, which I incorporate here, did Francis know anything about the business relations between Pierce, acting for the Waters-Pierce Oil Company, and Joe Bailey? Pierce simply sent to Francis these two items, one for \$3,300 and the other for \$1,500, but accompanied them with no word of explanation, but he left in the files of the Water-Pierce Oil Company these vouchers upon which he (Pierce) had placed his signature; these vouchers that have been paid by the Waters-Pierce Oil Company, and audited by the auditor of the Standard Oil Trust. More than this, between the rendering of these services by Bailey to the Waters-Pierce Oil Company, by which it was permitted to continue to rob the people of this State, Bailey had told Francis that he did not charge or receive from Pierce one cent, but that whatever services he had rendered he had rendered out of his "friendship for Francis." When

Francis met Pierce in a club in St. Louis, he stated to Pierce; "Bailey tells me you did not pay for the services rendered you," and Pierce, with that effrontery which characterizes the unscrupulous trust millionaire in the presence of his associates in a swell club, speaking of a politician and a poor lawyer, says: "Did he tell you that? Did he tell you I loaned him money—which I did?" This angered Francis. Francis is a smart man of affairs, as well as a politician, and he knew exactly what Pierce's statement in that club meant. He knew that the loan part of it was a mere sham to cover a fraud, and Francis at once became justly indignant at the whole proceeding, and doubtless regretful of the part he had unwittingly been induced to play in it. Francis became afraid of Bailey, he became apprehensive, on account of the turn things had taken, that Bailey would make financial exactions of him that he could not decline, and afterwards, on the 17th day of August, 1900, he wrote to Pierce this letter:

"Mr. H. Clay Pierce, Pride's Crossing, Mass.

Our friend Bailey, it appears, has been violently attacked in Texas for his efforts in your behalf. He writes he has charged you no fee, nor does he say he proposes to do so, continuing to attribute his entire action in the matter for 'friendship to me.' You can readily see how this embarrasses me and how difficult it becomes for me to fail to readily comply with any request he may make."

(Signed) D. R. FRANCIS."

Is it true that Joe Bailey and Pierce became alarmed at this and doubted whether they could use Francis further, or is it true that Bailey and Pierce believed that dead men tell no tales, and that if they could contrive to have this \$3,300 and \$1,500 paid by Francis, they might induce Francis to believe that these things were really loans instead of corrupt fees, and so contrived, by some means, which Francis does not know and could not state, to put \$4,800 into his hands, in order to take these tell-tale papers from the hands of Pierce and put them back into the hands of Joe Bailey? When Bailey got these papers into his hands he might well denounce them as forgeries; he might well say that if any man could produce the \$1,500 draft he would resign his office. He knew the paper; he knew that it was in his possession, but he never told it until it was forced from his witness, Francis, in 1907, at Austin, when Francis had come from St. Louis to give Joe Bailey a character. Why did not Pierce come also?

In connection with this same \$3,300 demand loan, and the \$1,500 sight draft, on November 22, 1900, at St. Louis, Francis writes the following letter:

"Mr. H. Clay Pierce, City.

"Dear Sir: I enclose my personal check for \$4,800 payable to your order, in exchange for which please send me by bearer, J. W. Bailey's receipts or due bills given you for like amount. I understand this to be the total of Mr. Bailey's obligations to you. If it is not so, please advise me.

Yours truly,

"D. R. Francis."

On the same day Francis wrote to Joe Bailey as follows:

"My Dear Sir: I today paid Mr. H. C. Pierce \$4,800, and asked him to send me in exchange therefor whatever drafts or receipts for money made by you he might have in his possession. My letter also stated that my impression was that \$4,800 was the extent of your obligations to him, but requested that he advise me if they were in excess of that amount. He made no reply to my letter other than to send me the enclosed, which I forward to you, the same being your receipt of April 25, 1900, for \$3,300, which the voucher designates as a 'demand loan' and your sight draft on him dated Gainesville, Texas, June 13, 1900, for \$1,500.

(Signed) D. R. FRANCIS."

Francis says he never knew that Pierce had loaned Bailey any money until Pierce told him so in the presence of five or six men. "The conversation came about this way: I said to Pierce, how did Bailey serve you? He said: 'He served me well; he is an able man; I think a great deal of him,' but I said, 'Bailey tells me he refused to charge you anything; I said 'you are not going to let Bailey do that work for nothing are you. Pierce said: 'Bailey borrowed some money of me,' and he gave me the amount then, but I do not recall it; it was a great surprise to me, because I did not know Bailey borrowed any money from him."

When Francis was asked: "This \$4,800 mentioned in the letter of November 22, 1900—was that paid back to you by Senator Bailey?" He answered: "Why, I cannot tell anything about it from these books; I have looked all through here." Francis further said about this payment that he made to Pierce, "Pierce you are not going to let Bailey do all that work for nothing," and then Pierce told him of this loan—which he did not like. Francis further said: "I did not have any interest in it except in Bailey, and I must have been delighted when I paid that loan, for "I would have paid it if I had known that he would have never paid it back."

Why would he have paid it without any return? In fact, the testimony does not show except by a process of exclusion, that this money was ever repaid to him by Bailey. In fact, he does not know anything about that transaction, and when asked about clearing up the records of these loans—if he had not desired them cleared up to protect Mr. Bailey—Mr. Francis says: "I wanted to see it, yes sir; I wanted to see it cleared up greater on Bailey's account; at the same time, I did not want to be mixed; I did not want to be responsible for Bailey's political troubles in any way; I did not want to feel that I was involved in it." Question: "Well, now, you are unable to say where you got that \$3,300?" Answer: "Yes, sir; I am unable to say where I got that \$3,000 and the \$1,500." Question: "And the \$1,500?" Answer: "Yes, sir." Francis said that when Pierce told him that he had made Bailey a loan he dropped the subject with Pierce at once; there were five or six other men present. When asked the question: "Didn't you like it?" Francis said: "No, I didn't like it?" The question was asked: "It didn't look good; did it?" to which Francis answered: "I didn't want Pierce to tell it before five or six other people;" I didn't want him to tell it, it wasn't very business-like; what I was doing, I was guying Pierce about letting Bailey work for nothing, and I said: 'This whole thing is charged up to me, and I do not propose to be left in that position, and you ought to pay this man,' " and Francis says that while he had known Pierce for a long time, he didn't think he had seen him three times within six years.

Now, why should Bailey want to get back the possession of this \$3,300 demand loan and this \$1,500 sight draft? Pierce, in an open conversation in a club, had spoken of it in a way that every man knew that it was a direct reflection on the integrity of Joe Bailey. Francis knew it as well as any man there, and his testimony avows his dislike of it and expresses the willingness to have paid it without a return of it by Bailey rather than to become complicated in such a transaction. In respect to the \$1,500 sight draft drawn by Bailey on Pierce—in connection with Pierce's telegram to Finley, "If Johnson approves, authorize Bailey to loan Stribling on his note \$1,500. Bailey should quiet all Texas parties. Tell him I will see him soon"—in connection with the receipt signed by H. Clay Pierce to the Waters-Pierce Oil Company for that \$1,500 paid to J. W. Bailey account of Texas cases—in connection with the further endorsement on that receipt that it was in favor of Henry & Stribling, which account was receipted by Bailey's sight draft attached for \$1,500, which draft was delivered to H. C. Pierce on November 17, when, manifestly Pierce and Bailey were both interested in suppressing these papers and getting them back into Bailey's possession—I submit to you that taking all these evidences together, Geo. Clark's letter, the Pierce telegram, the Bailey sight draft, Pierce's receipt for the money repaid to him by the Waters-Pierce Oil Company, the voucher against Henry & Stribling with the O. K. of J. D. Johnson and the receipt by draft attached, with the testimony of Potter showing that this draft went through his bank in Gainesville, was paid in St. Louis, the money was drawn from the bank by Joe Bailey on his private

account, instead of being appropriated to loan Stribbling, and was appropriated for the use and benefit of Joe Bailey—I say all of these things, looked at in this reasonable and fair way, indicate that Joe Bailey received this money for one purpose and used and appropriated it for his own use in another direction. If the contemporaneous writing of H. C. Pierce, J. D. Johnson, A. M. Finley and H. H. Stein, the auditor of the Standard Oil Trust, signify anything, they signify an embezzlement of this \$1,500. No fair-minded man can take these papers and look at them dispassionately and arrive at any other conclusion. These papers bearing the genuine signatures of these men, Pierce's to the telegram, Bailey's to the draft (in his possession now), Pierce's receipt, J. D. Johnson's O. K., and the account against Henry & Stribbling, receipted by the draft attached, and the fact that while the \$1,500 meant for Stribbling miscarried and did not reach him, he yet, according to his own testimony, later in the fall (November 20, 1900) received \$3,100 from Johnson, the attorney, to lobby in the interests of the Waters-Pierce Oil Company, before the Twenty-Seventh Legislature, which whitewashed Joe Bailey and kept its hands off the Waters-Pierce Oil Company. This was paid to Stribbling in St. Louis, on November 20, 1900, \$100 to pay his expenses to St. Louis, and \$3,000 for his services to be rendered in looking after the interests of the trust before the Legislature, and Johnson had written Clark that he had quieted Stribbling for the present. Take those things together and they mean this and nothing less, and yet Bailey and the sycophants and partisans who follow him say that the people of this country ought not to pay heed to these things nor consider them against Joe Bailey. * * * Now, my fellow citizens, there is not a lawyer in this audience who does not know that it is no defense to an indictment for forgery that the instrument forged was stolen from the possession of some one who held it for the forger. The question of how the people of Texas came into possession of all these evidences of criminality is wholly irrelevant to the issue. The question, and the only question involved in the case, is, do these papers speak the truth? Did Bailey get this money? Did Pierce send this telegram? Did Johnson O. K. the account? Was Bailey's draft attached to that account? Did Francis pay that \$1,500 and send it back to Bailey? There are the truths in this transaction, and they are not to be in any wise minimized by a suggestion that Gruett took them from the Waters-Pierce Oil Company. That proposition has been too often decided. It is too fundamental a proposition in the law of every land. But, notwithstanding all of these things that had occurred a long way from home, in St. Louis and in Wisconsin, emboldened by the success he had achieved in having himself whitewashed by the Twenty-seventh Legislature in as weak and clumsy an investigation as ever went through a legislative body, and further emboldened by a want of resentment on the part of the people of Texas, whom he had denounced for their suspicions against his integrity, instead of abandoning these practices, which had never been indulged in by any other Senator from Texas, he continues to guard the interests of the Waters-Pierce Oil Company; he defies the whole State of Texas to interfere with that which he had done; he threatens political ostracism to any man who challenges the righteousness of his conduct, and continues to borrow money from Pierce.

On March 1, 1901, at Washington, he makes a note to H. C. Pierce

"\$8,000.00

Washington, D. C., March 1st, 1901.

"Four months after date I promise to pay to the order of H. C. Pierce.....
Eight Thousand.....Dollars, at his office in St. Louis,
 Mo.....Value received.

J. W. BAILEY."

On March 4, H. C. Pierce writes to the secretary as follows:

"J. P. Gruett, Esquire, Sect.,

Dear Sir: Take this note into bills receivable and deposit company's check for like amount to my credit with Fourth National Bank, as I have given Bailey my check.

Yours truly,

H. C. PIERCE."

On March 6th, the Waters-Pierce Oil Company makes a voucher as follows:

"WATERS-PIERCE OIL COMPANY, TO H. C. PIERCE, DR.

For amount of loan to J. W. Bailey as per note in hands of treasurer, \$8,000.
Approved for payment, J. P. GRUETT, Secretary."

On the same day is the receipt of H. C. Pierce for this money. This note was photographed and published all over the United States, as well as this voucher. On the letter of Pierce from the Waldorf-Astoria this notation is made:

"Check No. 44430, \$8,000 deposited with the Fourth National Bank to the credit of H. C. Pierce."

On the 28th day of March, 1901, J. W. Bailey writes this letter:

"Gainesville, 3-28-1901.

Mr. H. C. Pierce, St. Louis, Missouri.

My dear Pierce: Send me New York Exchange for \$1,750. Have it made payable to my order so that it will not be necessary for you to endorse it. Send it at once, as I ought to have had it several days.

Your friend truly,

J. W. BAILEY."

On June 10, 1901, at St. Louis, Missouri, Pierce writes:

"Mr. J. P. Gruett, Secretary, Building.

Dear Sir: Please send New York Exchange for \$1,750 to Joseph W. Bailey at Gainesville, Texas, and charge against legal expenses on account of Texas legislation. I sent this amount personally to Mr. Bailey in response to his enclosed letter of March 28th. Since then Mr. Bailey has returned the amount to me, and it is now proper for the company to make this payment. Attach Mr. Bailey's letter to your voucher and merely enclose the draft to him without voucher. His enclosed letter will be your voucher.

Yours truly,

H. C. PIERCE."

This is audited by another auditor of the Standard Oil Trust. What a damning letter from Pierce to Gruett, sending Joe Bailey \$1,750 and charging against legal expenses on account of Texas legislation! What higher proof that Bailey was in the employ of the Waters-Pierce Oil Company as a lobbyist to prevent legislation by the State of Texas against the Waters-Pierce Oil Company? Bailey and Stribbling were lobbying for the Waters-Pierce Oil Trust. And, my fellow citizens, if this letter to Gruett from Pierce, if the letter from Bailey to Pierce, could bear any explanation, why did not Bailey and Bailey's friends either procure the attendance of Pierce before the Committee of the Legislature in 1907, or why did they not permit that Committee or a sub-committee to hunt out the fugitive H. C. Pierce and compel him to swear. J. D. Johnson announced to that committee, as a representative of Pierce, that if Bailey wanted his testimony, he (Pierce) would come to Texas to give it, notwithstanding he was indicted for a felony; that is, for the crime of perjury in connection with the re-admission of the Waters-Pierce Oil Company. H. C. Pierce had been in Texas in 1900 when he was indicted for a violation of the laws of the State of Texas, along with Rockefeller, Rogers and Flagler, and no harm had come to him then. Why did Bailey want this \$1,750 paid to his order "so that it will not be necessary for you to endorse it?"

Bailey by this letter demonstrates this: He knew his criminal relations with Pierce; he knew that to use this at Gainesville if it bore Pierce's endorsement, would again connect his name with Pierce and with the Waters-Pierce Oil Company; he was interested in perpetuating the nefarious business of that trust in Texas; it was profitable for him to do it, and he was covering up a name that would arouse suspicion again if it should become known to the people.

In addition to all this, Bailey admitted that the \$8,000 note was increased to a \$24,000 note. He said that Pierce had paid him at other times as much as \$30,000

or \$40,000; he said that Pierce endorsed his note at one time in New York for \$156,000. Notwithstanding these vast sums of money delivered by Pierce, "This Pirate of Pirates," to Joe Bailey, and these enormous accommodations extended to him by his endorsements, Bailey, and the partisans who follow him, the sycophants who surround him, say that he did not know that the Waters-Pierce Oil Company was a part of the Standard Oil Trust. Bailey cannot deny this in the face of the record. It had been convicted of a violation of the laws against trusts by a jury of Travis County, and the judgment affirmed by all the Courts. The opinion of the Texas Courts upon this case was open to Bailey for inspection, as well as the opinion of the Supreme Court of the United States. As early as September 5, 1899, T. S. Smith, the Attorney General of the State, had written to D. H. Hardy, Secretary of State, a letter in which he says:

"I wish to say further that if the judgment against the Waters-Pierce Oil Company is affirmed it relates back to June 15, 1897, and it would be very unwise for the State to collect any taxes since that time, and as such judgment finds it to be a trust, it has no standing in this State and ought not to be granted a permit, and should not be in Texas since the date of said judgment. Yours truly,

(Signed) T. S. SMITH, Attorney General."

One of the first things submitted to Joe Bailey by R. L. Henry in May, 1900, when he was interesting himself in beating down the prosecutions against the Waters-Pierce Oil Company, was a copy of the agreement of the Standard Oil Trust, which was signed by [a majority of the stockholders of] the Waters-Pierce Oil Company. Joe Bailey swore in 1901 that Smith got a copy of the judgment and a statute of Texas, and they examined it. Bob Henry had a thousand pages of incriminating evidence in the Waco cases when Bailey was there. Bob Henry told Joe Bailey that it was a trust. The papers in the office of the Attorney General were all open to Bailey's inspection. All of the testimony taken in the case of the State of Texas vs. The Waters-Pierce Oil Company might have been examined by him. All that Henry had he would have gladly shown to him. There were a thousand avenues open to Bailey to ascertain and know that it was a trust, and yet he hides behind a declaration of Pierce, when confronted with his misdeeds, and wants the honest people of Texas to believe that he was fooled about the character of the Waters-Pierce Oil Company and its contractual relations to the Standard Oil Trust.

Tom Smith, in the same communication to Hardy, calls his attention to the fact that Pierce, in the trial of that case, had committed perjury when he swore that the capital stock of the Waters-Pierce Oil Company was \$100,000, when it was, in fact, \$400,000. This Waters-Pierce Oil Trust not only robbed the people of Texas, but for the pitiful difference between the tax that would be imposed upon a company of \$100,000 capital and one of \$400,000, its president committed perjury. After calling the attention of the Secretary of State to this matter, Tom Smith says: "I mentioned these facts so that you may see that it could not have been an oversight in stating that its capital stock was \$100,000, when in truth it was \$400,000."

And yet Bailey justifies his conduct against the people of Texas upon what he claims to be the representations of Pierce. In view of all the protestations of R. L. Henry, of Cullen F. Thomas, of T. S. Smith; the inspection of the trust agreement; inspection of the records of the judgment, and the whole course of that litigation, will any man say that Joe Bailey ever at any time made an honest effort to inform himself whether this was a trust. Do not all the facts show that he shut his eyes to the fact that it was a trust. He knew it was a trust before he ever saw Pierce or touched his money. He has trampled on the laws of his State, and he has profited by it, and with all of this damning record against him, he can yet find persons in Texas—(not sturdy and independent democrats who love their country and their country's honor)—who will listen and applaud his low and vulgar abuse of the people when they cry out against such outrages upon them and the ideals they have always cherished.

But the Baileyites assert that all of this alleged indebtedness from Bailey to

Pierce has been repaid. The record shows just to the contrary. Whatever Pierce gave to Bailey was paid back to Pierce by the Water-Pierce Oil Company. Whatever was paid direct to Bailey has not been paid back at all. It was all charged to "legal expenses on account of 'Texas' cases," and on account of "Texas legislation," and at the expiration of the fiscal year or period it was charged off to profit and loss on the books of the Waters-Pierce Oil Company. There is not a banker or business man, or a man of ordinary intelligence in this audience who does not know that if this money, or any part of it, had in good faith been paid back either to Pierce or the Waters-Pierce Oil Company, that the books of that Company would have shown that the amount returned or paid back by Joe Bailey had been credited back to profit and loss. That is to say, if all that had been ostensibly loaned to Bailey had been paid back and returned to the treasury after it had been charged off to profit and loss as a "dead one," it would have been credited to the same account, that is, profit and loss credited by amount returned by J. W. Bailey, but no such entry appears, and Francis has not said, and doubtless cannot say, from what source, whether from Pierce or from the Waters-Pierce Oil Company, or from what blank and hidden hand, the \$4,800 came, with reference to which he was used as a cat's paw for Joe Bailey.

Now, before we leave this dirty and unseemly phase of this case, let us look to this \$1500 charged to Henry & Stribbling. Now the record shows that Pierce did not authorize a loan to Henry & Stribbling, but to Stribbling. The record shows, in the letter by Judge Clark, that Stribbling was threatening trouble. Take that in connection with the Pierce telegram to Finlay and the payment of that same \$1,500 to Joe Bailey, which was manifestly misapplied and diverted from its intended course, and what do we find in corroboration of these things: That the Waters-Pierce Oil Company paid to Mr. Stribbling \$3,100 in money in the City of St. Louis, not for Henry & Stribbling, but after this \$1,500 had miscarried, for Stribbling alone to perform this service as lobbyist at Austin in behalf of the Waters-Pierce Oil Company. In other words, after Mr. Stribbling was employed to guard the interests of the Waters-Pierce Oil Company at Austin, in connection with Joe Bailey against adverse legislation, we hear no further suggestion of any menace of a receiver on the part of Stribbling. Now the record shows that while the firm of Henry & Stribbling continued after Henry's election to Congress, there was no division of fees.

THE CYPHER CODE AND ALDRICH-BAILEY FISCAL MEASURE.

What would this audience believe if, in addition to the other things in this record, the cipher code of the Waters-Pierce Oil Company had been found in the possession of John H. Reagan, Richard Coke or Sam Bell Maxey? As I have been informed, only seven United States Senators have been entrusted with that secret. These were H. B. Payne, of Ohio; John M. Camden, of West Virginia; Thomas H. Platt, of New York; Matt Quay, of Pennsylvania; Chauncey Depew, of New York; N. W. Aldrich, of Rhode Island, and Joe Bailey, of Texas. How is it that these, and no more, are amongst the Senators who have been put in possession of the secret code of this great trust, clothed with a code which would enable them to converse over the wires the most treasonable plots against the rights of the people, and no man not in possession of the code able to decipher the meaning, while every man in possession of the code would be the loyal ally of the trust and the un-failing enemy of the people?

My fellow citizens, the final, conclusive, indisputable evidence that Joe Bailey is the hired tool of the Standard Oil Trust is demonstrated by the fact, and a fact, too, which he admits, that his name is on the code of this Oil Trust, and that he carried that secret code about with him and kept it in his possession. Whenever men pursue any business which they are not willing to disclose to the public gaze, they inevitably adopt a cipher code. Burglars have their own pet phrases, the meaning of which is known only to themselves. Joe Bailey, in his statement before the Legislature in explanation of his name being on the cipher code of this Oil Trust, said that all men

in private business had a code, and as an illustration he said that every cotton factor had a code. It is true that what is known in commercial parlance as the Cotton Exchange, and all the bucket shops of the United States, have a code, which is in constant use, and the meaning of which is known only to the persons who conduct the business of raising and lowering the price of cotton and exploiting the farmers who raise it. They pick out some word in New York, say "Howl," for instance; they telegraph it to all the bucket shops in the country, and immediately the price of cotton will go down several points. If they wish to raise it, they will telegraph "Yell," and immediately the price of cotton will rise. The Standard Oil Trust and the Waters-Pierce Oil Company, which are one and the same thing, have their secret codes. One word in this code is "Reprisal," which means, in the language of these commercial villains, "At what price are your competitors offering oil?" Another word is "Reprise," which means "Austin," where the Governor and the Attorney General and all the officers whose duty it is to enforce the law against these trusts reside. Another is "Reproach," which means the Driskill Hotel at Austin. Another is "Republish," which means Joe Bailey. What would the people have thought in 1888 and 1889 if John H. Reagan had been on the code of the Standard Oil Trust and the Waters-Pierce Oil Company as "Republish?" Suppose that Pierce had sent a dispatch to Reagan addressed "Republish, reproach, reprise, reprisal?" What a wound that would have been to the good name of that great statesman and a good man; what a disgrace it would have been to the State of Texas, which for long years had honored him with its greatest offices. Joe Bailey, in explanation of this, admitted that there was a code and that his name was on it, and that he carried it, and that his name on the code was "Republish." He said, in excuse, that in order to save telegraph charges they have short names in the place of long ones. There are more letters in "republish" than there are in "Bailey." There are nine letters in "republish," there are six in "Bailey." He says, moreover, that he frequently used the code himself about Mr. Pierce's private business. If he ever used this code upon Mr. Pierce's private business it could have only been used in connection with the Standard Oil Trust and the Waters-Pierce Oil Company's business. Imagine a Senator of Texas sending a telegram to a Standard Oil magnate giving the political conditions in Texas and signing his name "Republish!" If anything else was wanting to make out a case against Joe Bailey to show that since 1900 he has been in the service of the Waters-Pierce Oil Company, this code is all sufficient. This is not all. Senator Nelson W. Aldrich, of Rhode Island, is one of the Standard Oil Senators of the United States. His daughter married the son of John D. Rockefeller, the great Standard Oil magnate; he is a Republican and Chairman of a committee on finance in the United States Senate which has charge of all the financial and fiscal operations of the United States government. Bailey is a Democratic member of the same committee. The name of each of these men is on the secret code of the Standard Oil Trust. When any legislation is pending which threatens, even remotely, the interests of the Standard Oil Trust, or any of its auxiliary corporations, Aldrich and Bailey are in a position, through the use of this secret code, to inform Rockefeller, Archibold, Rogers or Pierce of what is pending. Bailey could send a telegram warning them of any threatening danger and sign his name "Republish" and escape all detection. Rockefeller, Archibold, Rogers or Pierce can wire Bailey under the address of "Republish" and enlighten him as to what legislation they desire, or put him on guard as to any contemplated legislation that might be adverse to their interests.

If the people of Texas, with full knowledge of these facts, desire to retain Joe Bailey in the United States Senate, then they have lost the capacity of self government and should no longer boast that they are free, unpurchasable American citizens.

In illustration of the above facts and as a demonstration of Joe Bailey's servitude to the Standard Oil Trust and the "interests," sometimes called the "money power," let us look briefly to a bill introduced into the Senate on February 9, 1903, by N. W. Aldrich, a Senator from Rhode Island, and the acknowledged leader of the money power in that august body. This bill, numbered 7301, "to further provide for the

safe keeping of public money and for other purposes," was on the same day referred to the Committee on Finance. Aldrich and Joe Bailey were both on this committee, and might both be relied upon so far as the "interests" were concerned, and so on the 11th day of February, two days after its introduction into the Senate, Aldrich, by direction of the Committee on Finance, reported the bill back with amendments and gave notice of his intention to press the consideration of the bill. He attempted to call it up on the 14th day of February, and finally got it to the front on the 24th. That part of the bill which had in view "the safe keeping of the public money" was a scheme to transfer about \$400,000,000 from the locked and guarded vaults of the United States treasury, and from the custody of the bonded officers of the United States, into the vaults of certain national banks, which banks were to be designated by the Secretary of the Treasury at his discretion, and were to be known as Government Depositories. These pets and favorites were to be the financial agents of the government. How many national banks were to be named as depositories—in what State they were to be located—how much of the people's money (already collected as taxes and on hand) should be allotted to each one of the favored national banks—was left to the discretion of one man, the Secretary of the Treasury. The "other purposes" named in the bill was to provide the kind of security these favored national banks were to give for the money deposited and loaned to them by the Secretary. The collateral named consisted of bonds of the United States; bonds or other interest bearing obligations of any State; bonds of any city in the United States which has been in existence as a city for twenty-five years, and which for the last ten years has not defaulted in the payment of any part of its debt, principal or interest, and which has more than 50,000 inhabitants by the last census reported, and whose net indebtedness does not exceed ten per cent of the assessed value of its property; also railroad bonds. The further discretion was conferred on the Secretary to require additional securities from these favored national banks, and authorized him to change the character of the securities already on deposit. These favored national banks were to pay interest on the deposits of not less than one and one-half per cent a year. This, in substance, was the scheme. It involved a co-partnership in the national banking business between the government and certain favored national banks to be designated by a Republican Secretary of the Treasury. The government was to furnish about \$400,000,000 upon which it was to receive one and one-half per cent interest a year. The national banks selected were to furnish the experience and were to have all the profits above the one and one-half per cent interests. No State bank, no co-partnership, no individual, no corporation created by any State could get any part of this \$400,000,000 at one and one-half per cent interest, or at all. National banks, and only such of these as had the favor of the Secretary of the Treasury, could get any part of this money. If the people, or any of them, wanted to borrow for use any of this money they must go to the favored national banks, put up security or collateral, pay the ruling rates of interest of six, eight, ten, or even a higher rate, for the use of the money taken from them as taxes and loaned by the government to a lot of pet national banks. Can any man imagine if this scheme had gone through how much of this \$400,000,000 would have been taken by the national banks, established and maintained on the money of the Standard Oil Trust, Rockefeller, Flagler, Rogers, Harriman, Hill and others? Joe Bailey and Aldrich both knew when they advocated this bill that the government was heavily in debt and was paying a much greater interest than the one and one-half per cent they were proposing to loan this money to the pet national banks for. Let us see what Democratic Senators thought of this Aldrich-Bailey fiscal measure—it was named a fiscal measure by Bailey.

Senator Berry, of Arkansas, said on the floor of the Senate: "Mr. President, I say it is an everlasting shame and disgrace to this country that we should collect year by year millions of dollars in the way of taxes from the people and then turn around and vote to loan it out, if you will, to a few favored banks at one and one-half per cent for them to loan it to other people at whatever interest they can secure." This same Senator says: "I do not know; it may be that I am wrong, but if I have learned one thing more than another of Democracy and the belief of the Democratic party, it has

always been, from the days of Jefferson and Jackson down to the present time, that we stood for the equality of all people before the law, and that we stood in absolute and unalterable opposition to any law that conferred special privileges upon one class which would not be extended to all other classes."

Senator Turner said: "I regard this bill as absolutely indefensible on any proper principles of government and as extending the grossest kind of favoritism to a class in this country who have already been too highly favored by the laws of the United States, and as being extremely indiscreet and inconvenient in the result which it will bring upon this country. I venture to say that if we enter upon this policy of loaning out the money of the government to any individuals of any class or character, the time will never come when this government will feel justified in calling these moneys in."

Senator Blackburn said: "I stand upon the proposition here asserted and not denied, that the purpose of this bill is to loan the money of the American people, wrung out of the pockets of the taxpayers by a system of taxation conceded to be too high, which the party in power refuses to reduce, and say that they will 'stand pat' and refuse to reduce a single schedule—the purpose is to take this tax-wrung money that belongs to the American people and the producing class and loan it to somebody at a rate of interest below the least rate of interest the government is paying on any bond that it has on earth."

Senator Teller said: "Mr. President, is the system a good one which puts in the hands of the Secretary of the Treasury the power to discriminate in favor of one class of banks, which may be controlled by his adherents, against those whom he may regard as his political opponents? Is it a good system which enables the Secretary of the Treasury to say that Eastern securities shall be favored against Western securities, and that he will put these deposits all east of the Alleghanies if he happens to think that better?"

We could quote to like effect from every Democratic Senator who participated in the debate on this undemocratic measure. While Bailey has boasted over Texas that he is a party man and stood always with his party, it is a notable fact that when the opinion and interest of his party and party associates came in conflict with the interests and desires of the Standard Oil Trust and the money power and the purpose of the Republicans to force the government into an unequal and disastrous co-partnership with favorite national banks, Bailey, of all the Democrats in the Senate, was found alone lined up with the Republicans, and in his zeal to promote the cause and interests of the money power he charges filibustering against his own colleagues. But are we to wonder at this when Bailey during this debate had come fresh from the turmoils of Wall Street, where he had been engaged in exploiting the Kirby Lumber Company and its millions, and had become inoculated with the ideas of high finance and fraud that flourish so abundantly there? Need we wonder that in the final struggle over this bill Bailey's vote was found recorded along with the votes of Aldrich, Quay, Depew, Platt, and every other trust Republican in the Senate of the United States. In support of this undemocratic measure Aldrich and Quay, Bailey, Depew, and Platt, each of them then having concealed about his person the cypher code of the W.-P. O. Co., stood shoulder to shoulder, with locked shields under the banner of special privilege graft and greed, and warred upon the Democratic minority of the Senate. My fellow citizens, I want you to know that in that contest in the Senate in March, 1903, every Democratic Senator stood by the teachings of Jefferson, Jackson, VanBuren and Tilden, and the history of the Democratic party, and opposed that infamous bill except Joe Bailey. I want you to know that in that same winter Joe Bailey was in New York in the service of the Kirby Lumber Company, and Kirby pretending to make a lawyer's fee of over \$200,000 and that he was carrying the secret cypher code to the Waters-Pierce Oil Company. Will the patriotic Democrats of Texas submit to this?

BAILEY'S CONNECTION WITH KIRBY'S COMPANIES.

Now let us look briefly at his connection with the Kirby Lumber Company and the Houston Oil Company. Both of these corporations are the outcome of modern ideas of high finance. They are models of the exploitation of greed and get-rich-

quick schemes. They are both bottomed on lands in East Texas, slipped from under the unsuspecting owners there, and exploited in the shape of stock and bonds on unsuspecting purchasers in the East. By some contrivance they stand at the head of the lumber trust, and through the direction of Joe Bailey they have been under the protection of a federal court, by injunctions and receiverships since 1903. Organized on wind and exploited on "wall paper"—which Kirby says means Houston Oil Company stock in the treasury. Under the direction of a federal court receiver they made about two million dollars profits by trust methods last year. This money was taken from the home builders and house improvers of this country. Joe Bailey has aided and abetted this conspiracy and has never raised his voice against it. And yet he says he loves the people and has given the best years of his life to the preservation of their interests. Can impudent hypocrisy go further?

Kirby says that Pat Calhoun of New York was to finance this scheme and that he embezzled four million dollars of the "wall-paper" stock of the Houston Oil Company. This is the same Pat Calhoun who is now under indictment in San Francisco for graft and bribery of public officials and the pillaging of the public treasury there—and the disgrace of the servants of the people. Well, "birds of a feather flock together." It is Kirby, Calhoun, Bailey, or Bailey, Calhoun, Kirby. When we contemplate their sympathy for the toiling masses, their yearning for the public welfare, we feel like singing that good old song, "What wondrous love is this, O my soul?"

Kirby employed Bailey in November, 1902, as his attorney and attorney for the Kirby Lumber Company. For eighteen months Kirby and Bailey were both very busy men in New York, and so was Pat Calhoun. After Bailey got into the pot then Pierce came in, and then it was Kirby, Calhoun, Pierce and Bailey—the Big Four.

This opened up a new source of revenue to Joe. His fees grew and grew and grew. Then they opened the charmed circle again and took in the Frisco people, and fees took another upward bound, and they say that in a few months Joe Bailey made two hundred and twenty-five thousand dollars, by borrowing money from Pierce and getting Houston Oil Company "wall-paper" stock from Pat Calhoun. You will remember when Joe Bailey was in Congress he went across into Virginia to make a speech before some college, and on pay day refused to receive his salary as Congressman for the time he was absent from his seat, proclaiming in a demagogic way that the people paid him for all of his time and were entitled to his uninterrupted service. When he got into his new trust service, this new combination, he practically abandoned his legislative duties and spent most of his time in the winters of 1902 and 1903 at the Waldorf-Astoria and 26 Broadway, New York. From the middle of January, 1903, to the last days of February of that year, his name was not recorded in a single aye and no vote taken in the Senate. He was rich then and was getting richer all the time. Why did he take his salary for this time misspent to the dishonor of the State? He was living in the atmosphere of high finance and fraud. He had surely imbibed the prevalent opinion of this small, unscrupulous gang of trust millionaires and their sycophantic strikers and tools—"the public be damned." He took all he could get from the government and all he could get from the trusts and then told the people they were entitled to only half of his time on full pay for all of his time! What other man in public life has ever made such an audacious, unscrupulous announcement as this? From the days of Jefferson till now no Democrat has ever asserted such corrupting doctrine as this. If Bailey may do these things why not Senator Culberson and your sixteen members in Congress? Imagine all of them engaged as Bailey has been and is now and as he says he will continue to be, and you all know that Texas would become a cesspool of political degeneration and dishonor. No free man could, without a blush of shame, claim it as his home.

Joe Bailey got back to Washington in the last days of February. He was just in time to see Cooper's port of entry measure defeated by Senator Mason of Illinois. This was a fight between John W. Gates on one side, and Kirby, Pierce and the Frisco Railroad on the other. In this fight he was in an awful fix. It was a case

"How happy I'd be with either of these
Were the other dear charmer away."

Gates thought he had him fixed, but Gates, like Pierce, dodged the process servers and fled the State to keep from telling what he knew about this. Gates at one time held Bailey's note for \$28,100. Bailey says this originated in something about a "horse trade." Is it possible that so wise a man as Bailey can not tell the difference between a "horse trade" and a game of stud poker? What will Gates swear about this? Pierce also ran. He took to foreign countries and the high seas. When Hadley, the Attorney General of Missouri, was after Pierce, it was known that Pierce would evade all process and refuse to swear until after the primaries in Texas and until after the State convention. Pierce and the interests wanted their friend Bailey back in the Senate for six years. They wanted him to be the coadjutor of Aldrich, the father-in-law of Rockefeller, Jr., the pious inheritor of millions of dishonest gains.

Bailey got \$2500 from the Standard Oil Company direct for a fee. How and when did he get acquainted with that old he-grafter, the father of all the trusts? Bailey's wisdom had preceded him and what the Standard Oil Company really wanted to find out from him was whether it was a trust and could do business in Texas. He says, "I told them it was, and they paid me \$2500 in cash for the information." Right at this point Rockefeller fell on Roger's brisket and wept, because Bailey, the smart man, did not live in New York to tell them something new and wise every day.

Now, Bayne, President of the Seaboard National Bank, and in oil up to his eyes for forty years past, must have heard of this wise man from the South, and Bayne wanted a fifty dollar charter written, and Bailey says, a mortgage. All this for the Security Oil Company, and Bayne the President of the Standard Oil Bank and himself a part of the Standard Oil trust, gives \$5,000.00 to do this work.

Bailey is handling a Tennessee railroad and coal company for Pierce, Francis, et als, and is negotiating with Harriman. From this he expects a fee so large that he would not tell how much.

A Nashville paper says Bailey is engineering a scheme to beat the city of Nashville out of \$1,800,000.00, that boodle is being distributed about Nashville where it will do the most good, and that Harriman is to get the road by a foreclosure.

And yet, my fellow citizens, Joe Bailey said at Waco in 1900, August 9: "Now, fellow citizens, do we as democrats of Texas believe that we have fallen so low as to elect a senator who sells his services to the corporations? I do not believe the time will ever come when Texas will make that mistake?"

What a statement! How like the man whose whole record is embellished by fair speech and disgraced by infamous performances?

My fellow citizens, when Joe Bailey was indulging the luxury on the floor of the Senate, on a question of person privilege in reply to the article of Mr. Philips on the "Treason of the Senate," published in the *Cosmopolitan Magazine*, amongst other things he said that a man who would tell a lie would swear a lie. Let us examine Mr. Bailey just for a little while on this proposition. He caused to be sent from Dallas, Texas, on June 24, 1900, a special to the *St. Louis Republic*, in which the reporter says:

He (Bailey) makes the following statement of how he happened to make this big land trade (referring to the Gibbs ranch): "Former Governor David R. Francis, of Missouri, and Congressman Joseph C. Sibley, of Pennsylvania, are among my closest and most appreciated friends. Mr. Francis and Mr. Sibley have often urged me during the last five years to look more closely after my material interests and those of my family, even though I should have to retire from public life to do so. I have never had an absorbing desire to make money or accumulate property. The public service has had a strong fascination for me, and I believe I have been of some benefit to my country in that connection, but Mr. Sibley and Mr. Francis finally impressed me with their advice, and I told them plainly about Gov. Gibbs' ranch, which he had suggested he would like to sell to me. I said to them: "If you gentlemen are interested in my business welfare, buy me that farm; let me remit and pay you as I can. They took me at my word and the papers are all ready for filing in the Dallas County courthouse. The deed will be placed on record to-morrow

or next day. The consideration given Gov. Gibbs is \$80,000 in cash and 21,000 acres of land on the Pecos River, about 500 miles west of Dallas. Messrs. Francis and Sibley allow me thirty years in which to pay the debt I owe them. I shall dispose of the interest I have in a stock farm near Lexington, Kentucky, and engage in raising blooded horses and grain crops out on Grapevine."

This is the voluntary statement of Bailey, made presumably to a personal and political friend who would do him no injustice. Is this statement true? Francis says: "I talked with him (Bailey) a number of times about his affairs and told him that he had a great future before him, that he ought to attend strictly to his legislative duties and let his horses and everything else alone, that he could keep up his law practice, and from time to time manifested, as I said, an interest in his welfare and his future."

Now, can any man reconcile what Francis says under oath with what Bailey dictated to the reporter of the Republic? More than this, when Bailey testified before the Investigating Committee of the 27th Legislature, he set out an itemized account of the Gibbs transaction, which he swore was true, and there is not a single proposition in his testimony there that does not contradict his voluntary statement. What, then, becomes, fellow citizens, of *Bailey's proposition that a man who will tell a lie will swear to it*? If time permitted, a vast number of this kind could be presented against the veracious Bailey, but we pass from this to graver matters.

In a speech made by Joe Bailey before the Waco Convention, August 9, 1900, he used this language: "Now, fellow citizens, do we as Democrats of Texas believe that the time will ever come when Texas will make the mistake of electing a Senator who will sell his services to the corporations?" When Bailey made that announcement he had in his pocket \$4800 paid by the Waters-Pierce Oil Company, which sum was audited and allowed by the Waters-Pierce Oil Company and by the Standard Oil Trust. Subsequent to that and prior to the convening of the Thirteenth Legislature in 1907, he received, by his own admission, \$2500 from the Standard Oil Company, and from another dependency of the Standard Oil Trust \$5,000, and from other corporations, from then until now the testimony shows that he received from \$35,000 to \$40,000 for services rendered to them; \$225,000 from the Kirby Lumber Company and John Henry Kirby; at least \$250,000 either already received or in anticipation from the Tennessee Railroad transaction, and other large sums of money, always under the guise and in the name of a lawyer, without ever appearing in the court house or before a judge, but always doing his work by secret and circuitous methods, not only unknown to the people of Texas, but actually concealed from them until these transactions had been exposed by other men or proven before the Investigating Committee of the Thirtieth Legislature by other witnesses.

My fellow citizens, since Jefferson announced upon his elevation to the presidency that he would engage in no business, and do no act to increase his private fortune during his incumbency of that great office, we have believed that to abstain from questionable speculation and to abstain from all complications with trusts, monopolies and "the interests" that did or might come before the National Legislature or any State Legislature, or even the courts of the country, or the people, was one of the peculiar ideals of the Democratic party, and it is true that the conduct of all our Senators and of all our Governors has eminently justified such belief. We have been accustomed to attribute questionable and shady methods to certain members of the Republican party. Blaine in his Mulligan letters; Quay in his raids upon the treasury of the State of Pennsylvania, and all of the methods he pursued; Platt, Depew and others—concern us only as regrettable instances of political depravity and a renunciation of the high standard of official integrity to which the Democratic party has always stood pledged. But in view of the indisputable evidence against Joe Bailey we can no longer point to this as an unbroken tradition and lofty ideal of Democracy, nor dare we say that in this behalf virtue rests with the Democratic party alone.

When Senator Knox, of Pennsylvania, was employed to make an investigation of the methods of the Equitable Life Insurance Company, and had completed his

labors and crowned them with a learned, accurate and forceful report, there was enclosed to him as compensation for his services a check for \$25,000. This he returned, stating that he was a United States Senator from the State of Pennsylvania, and that the people who elected him to that great office were entitled to every moment of his time and every effort he could make in their behalf; that he had performed this service, (distinguished and accurate as it was), for his people, and had not asked nor could not receive compensation beyond the consciousness of duty performed, with no expectation of any reward except the approval of the plain people whom he had served in respect to this business.

John C. Spooner, of Wisconsin, one of the greatest lawyers in the United States Senate, and the peer of Senator Knox, stated in his letter to the Governor of Wisconsin resigning his position as Senator: "I have served as Senator for sixteen years, a long time for one neither willing nor financially able to permanently abandon the practice of the law and be taken from his profession. I have been taken from mine, for I have not thought it compatible with the full and uninterrupted discharge of public duty to pursue it, and I have, therefore, during my entire service, with two or three trifling exceptions, purely local, absolutely abstained from the practice of law."

Be it said to the credit of this great man, that only a short time before he resigned he declined a fee of \$30,000 because he could not undertake the work without leaving his duties in the Senate unattended to. True to the instincts of all right thinking Americans, he laid down the great office of Senator and entered the practice of his profession in the City of New York, willing to take his chances on earning legitimate fees and acquiring wealth without fictitious aid and support of a great office, which he must abuse if he pursued the methods followed by Joe Bailey.

Now, during all these years of his service to these trusts and corporations he was in the employ of the people at a stipulated salary of \$5,000 a year and certain rich perquisites. If you will look at the figures you will see that the money received from the trusts, the monopolies and the "interests" was his principal business, while his service to the people was but a "side line." How do these facts contrast with the bold and fraudulent declaration he made in the Waco Convention in 1900? The miserable investigation of 1901 had not then occurred; the partisan and abortive investigation of 1907 had not then been dreamed of, and the real facts in that investigation are to-day, unfortunately for the people, unpublished. Whose fault is this, that the record, meagre as it is, should be withheld from the inspection of all the people, while this man, Joe Bailey, traverses all of Texas, denouncing men, all the citizens of Texas, who distrust his integrity and who clamor for protection of the honor of the State?

BAILEY, THE GUILTY POLITICIAN, CRIES CONSPIRACY.

Against the men who criticise him he has been audacious enough to cry out that it is a conspiracy on the part of his enemies; first, it is instigated by Hearst; next by the Standard Oil Trust; next, by the railroads; next by ambitious men who want his place. This is no new cry. It has been the cry of the guilty politician in all the past. Clark, of Montana, who unblushingly bought a seat in the United States Senate, announced that he was the victim of a conspiracy instigated by Marcus Daly, and then from man to man, Reuff, Calhoun (the last of whom Bailey has been pitted against, they say), under indictment in the City of San Francisco, cry out that they are the victims of a conspiracy. John Hipple Mitchell, the convicted Senator from Oregon, cried conspiracy. The pitiful Senator from Nebraska, who trafficked in post-offices for a commission before he was sworn in, and escaped conviction on the ground that he was not a Senator until sworn in, cried "conspiracy." Joe Bailey had the audacity to charge conspiracy against R. V. Davidson, Attorney General of the State of Texas, because in the discharge of a duty Davidson was constrained to institute a suit against the Waters-Pierce Oil Company to drive it from Texas and recover penalties. Bailey said this was a reflection on him and a political scheme to besmirch his reputation. Since Bailey made that charge the suit has been tried, this conscienceless offender convicted and a fine of \$1,629,850 assessed against it for depredations

committed on the people of Texas under the direct and immediate protection of Joe Bailey for the last six years.

More than this, fellow citizens, when this charge was made Davidson demanded of the Legislature an investigation, and offered himself to appear and answer any charge, while Bailey had a majority of his partisans in the Legislature and had an opportunity to prove any allegations of conspiracy or wrong doing against R. V. Davidson, they, in a cowardly manner, backed away from it and denied to your Attorney General an opportunity before a legislative committee of Joe Bailey's selection to demonstrate his innocence of any offenses against any man or his country.

What proof has Bailey offered to the country to show a conspiracy against him? Is every patriot in this State who resents an act that means dishonor to his country and shame to his fellow citizens a conspirator? Is Joe Bailey of sufficient importance to seal the lips of any honest man against his treasonable practices against the public policy of the State of Texas, its dignity and its honor? Must the Attorney General of Texas get permission from Joe Bailey to bring a suit against the Waters-Pierce Oil Company or any other dishonest trust for its frauds and offenses against the laws of Texas—must Joe Bailey dictate the scope of the allegations in the petition and limit the course of the evidence simply because he was fraudulently mixed up with the re-admission of the Waters-Pierce Oil Company into the State, and because a disclosure of his connection with this trust would reflect upon his integrity as a man and an officer? Is not this the limit of "bossism," and if Davidson had yielded to it, would not his surrender have been the limit of shame?

BAILEY'S TREASON IN THE RATE BILL FIGHT.

Again, my fellow citizens, we charge that in Bailey's long public service he has never done or accomplished anything for the real good of the people of this country. We charge that some of his most laborious and learned efforts have been made in behalf of "the interests." When the policy of the president to enlarge the powers of the Interstate Commerce Commission, in the creation of which the learned and venerable John H. Reagan took such an active and prominent part; when all the country knew that the purpose of the President to have further legislation could not be thwarted, it then became the purpose of "the interests" if by any trickery in legislation they could, to incorporate into this measure a provision that would render it unconstitutional, which would require a number of years for the courts finally to determine and pass upon it. In that contest Joe Bailey offered an amendment in substance that no order of the Interstate Commerce Commission should be set aside or suspended by preliminary or interlocutory decree or order of any court or judge. He pressed this with great learning, upon a lot of antiquated authorities, stuffed into him by a Dallas lawyer of better parts than Joe Bailey has. If "the interests" could inject into this bill an unconstitutional provision, it would lead to long and vexatious litigation—to a suspension by injunction of all control over the railroads, pending the determination of that question; it would have filled the courts of the country with vexatious litigation, and would have wearied the souls of the people. Joe Bailey, in support of his amendment, undertook to say, that judicial power and jurisdiction were one and the same thing, and that it was competent for Congress to destroy the right of the courts to determine that which had always been a judicial question. If he had succeeded in incorporating this into that bill it would have been a treasonable act against our form of government, which is divided, by the Constitution, into legislative, executive and judicial departments. He would have destroyed the one to gratify, first, little men without information, whose prejudices would lead them to any rash and inconsiderate legislation that would appear harsh against the railroad companies of the country. He would have played into the hands of the "interests" and the desires of the "interests," as represented by the railroad Senators, by incorporating into the law a provision that would have rendered it nugatory and void.

Senator Culberson, speaking of that matter, said: "I desire to say now that if the bill undertakes affirmatively to limit or deny the constitutional right of review, that provision of the bill would be void, although the other part of the act might

stand and be effective." And Mr. Culberson further said: "Under the constitution, Mr. President, persons may no more be deprived temporarily of their property without due process of law or for public use without just compensation, than they may be deprived of it permanently." Mr. Culberson recognized as binding upon him, and upon all of us, the provision of the constitution of the United States, and of all the States, that no man's property could be taken, destroyed, or applied to public use, without just compensation being first made, and that this just compensation has always been a judicial question to be determined and settled by the courts.

Bailey, as we charge, in the service of the "interests," proposed to destroy this by striking down the jurisdiction of all courts—not only the jurisdiction, but the judicial power of all courts to avert such unlawful taking by the issuance of an injunction.

My fellow citizens, we can not deny the protection guaranteed by the Constitution to all men, even to offending monopolies, aggressive railroads and conscienceless trusts, without endangering our own safety. Upon whose judgment would it be safest to rely upon a question like this—Senator Culberson or Joe Bailey?

Senator Culberson was the Attorney General of your State when your Commission law was enacted; Hogg was the Governor. They both took an active part in the study and in the preparation of that bill. Culberson defended it through four years in all the courts of the country when he was Attorney General, with a distinguished ability and a marked learning. Himself a party defendant to the suit against John H. Reagan, who was the head of your Railroad Commission, he explored every avenue for judicial information. Sometimes defeated, but never discouraged, he established before the Supreme Court of the United States, the right of a State through a commission to fix and establish reasonable rates by the instrumentality of a commission—the Texas Commission. He did not and could not establish the right to make these rates so close and binding upon the transportation companies that they could not seek relief in the courts against them if they appeared to the railroad companies to be confiscatory of their property, or to demand a service for which they were not to receive a just compensation. Not only in this case, but in every case that has been before the Supreme Court, which, permit me to say, is the most august judicial tribunal on earth, the right of appeal to the courts under the law of the land has never been shaken. More than this, when Culberson passed from the office of Attorney General, he became Governor of Texas, and for four more years was interested in the enforcement of your commission law. It became his duty, and he did keep fully abreast with the march of the people through their legislatures and through their courts to control railway corporations and to enforce a just and equitable and a fair treatment of the people. Culberson took the ripe experience of eight years, gathered from an actual contact with this identical question, into the Senate of the United States with him. And when this matter in behalf of "the interests," and to thwart the efforts of the honest and earnest men who desired a reasonable and fair control, was up, the voted against it, nor did he vote alone. Culberson, Bacon of Georgia, Daniel of Virginia, Morgan and Pettus of Alabama, all voted against the Bailey-Tillman amendment.

WAS BAILEY VINDICATED BY THE THIRTIETH LEGISLATURE?

Joe Bailey has boasted all over this State that he was triumphantly vindicated by the Thirtieth Legislature. He had no opposition and was backed by a primary endorsement and a convention nomination, both of which were fraudulently obtained by a concealment of facts then well known to Joe Bailey, but largely if not entirely unknown to his constituents. There were eighty-eight votes for him. Twenty-one of this number voted for him because they thought he was the nominee, not because they thought him fit for the office. There were forty-three votes against him. He seems not to know the difference between an acquittal by the unanimous vote of twelve men and a hung jury.

Bailey never has, never can and never will fairly and honestly discuss the facts of this case. No advocate and no apologist of Bailey can ever do it. Fairly con-

sidered, his record is wholly indefensible. He says that no man who opposes or criticises him shall ever fill an office in Texas. We say that no man who advocates or apologizes for Bailey or Bailey methods, shall ever fill an office in Texas by our votes.

And so the issue is made. We think that in a free Republic it is the duty of every man to think for himself and vote for his country's good. We think that Baileyism means bossism. We think that it is supported by the professional politicians, the grafters, and the hirelings of the trusts and "interests," all of whom are at continual war with the plain people. We believe that Joe Bailey belongs to these unholy combinations and that his continuance in office for a single day is against the honor and ideals of the Democratic party, and of all the people of Texas without regard to party.

We have no fear of the rogues' gallery, for whenever the painter puts that on canvas we know that Joe Bailey will head the herd, without any change of his marks and brands.

We know that there are some little squirrel-headed fellows in this country, who boast (because they have nothing else to boast of), that they were born a Democrat, were nurtured on Democratic milk from a Democratic mother's breast, and would always vote for the nominee, though they knew him to be a thief, as long as he was out of the penitentiary. We trust we hold to higher ideals of the obligations of our citizenship than this. If you want us to kneel and worship, you must point us to God. If you want us to vote for a nominee, you must give us His noblest work—an honest man—to vote for. Not only that, but even the honest man must stand for principles and policies promotive of the public welfare and protective of public honor.

Don't you think, my fellow citizens, that it were just as well to be born a baby and grow up an independent, thinking, and self-reliant man, with some regard at least for the public welfare, for common decency and the honor of your State and people?

JOE BAILEY DEFEATS A FULL INVESTIGATION AND SUPPRESSES TESTIMONY.

Joe Bailey ought not to expect the people of Texas to take his uncorroborated word for everything in this case and upon his word to discredit every disinterested witness in the matter who has testified against him. In considering Joe Bailey's contradictory and untrue statements, in reference to all of these transactions, will not the people of Texas, in accordance with the well established rules of evidence, consider the direct personal interests Joe Bailey has in all of these matters? Will they not consider the temptation to him to color, pervert and withhold the facts? Will they not consider his failure to produce any letter, telegram or paper in corroboration of his statements? Will they not look to all of these things in determining to what extent, if at all, Joe Bailey is worthy of credit? Finally, will they not consider that any witness who is deliberately false in one thing must be considered false in all, and that the strongest presumptions of guilt are to be indulged against a party who suppresses testimony and secretes or runs off witnesses. If it is true that a man who will tell a lie will swear a lie, how much force is added to this frailty of human nature when the man upon the stand is defending a reputation from which he boasts he had an opportunity to make not only the legitimate salary of an office, but thousands and tens of thousands, yes, hundreds of thousands of dollars by serving trusts and monopolies engaged in war upon the people. It is hardly to be expected that two men engaged in an unlawful enterprise will disagree in respect to the transaction which speaks the shame of both, but it sometimes happens. It was in the power of Bailey to have produced Pierce here, to have produced Bayne here, to have produced the men in the Standard Oil Company, with whom he made a \$2,500 fee, to have corroborated what he has stated with reference to these things. Instead of producing them, he refused to call them; instead of producing them, he has been instrumental in keeping them away; instead of producing them, he forced a discharge of the com-

mittee of the Thirtieth Legislature, investigating his crimes, at a time when he knew that four of the Senate Committee would report against him.

Now, my fellow citizens, Joe Bailey has not been sincere either with the people or with the Legislature. In addressing the Thirtieth Legislature on one occasion he said that he had not started this investigation, which was true, and that he would be the last to call it off, which was false. He instigated the conduct of his friends in that examination. He watched it all along the line. He behaved in a way to satisfy any man not given over to the folly of partisanship that he was a guilty man. His friends closed that investigation without the testimony which would have been presented by an examination of the books, vouchers and records of the Waters-Pierce Oil Company, without the testimony of witnesses in the city of St. Louis, who should have been examined, to-wit: C. F. Hatfield, Charles B. Collins, former secretary to H. C. Pierce, W. H. Glancy, J. C. Van Blarcom, James Campbell, Lewis Flautau and H. C. Pierce, himself. That committee was denied, at the instigation of Joe Bailey, the right to send a committee to Nashville, Tenn., to investigate the matters connected with the Tennessee Construction Company, the Tennessee Railroad Company and the disposition of those properties. They were denied an opportunity to investigate the Riggs Bank at Washington. They were denied an opportunity to investigate Pat Calhoun in reference to Bailey's transactions with him for the Kirby Lumber Company, The Houston Oil Company, of John W. Gates, of S. G. Bayne, of the Security Oil Company, of Archbold, Rogers and other Standard Oil magnates, the testimony of H. H. Stein, Norman, Tilford and Wade Hampton, by whom it was desired to prove Bailey's frequent attendance at 26 Broadway, his transactions there and his constant absence from his duties at Washington. They were denied even the right to go into the Indian Territory to investigate Bailey's transactions there in respect to the Federal clerkship charge, and while it is true that Joe Bailey congratulates himself and boasts to the country that although his home at Gainesville is just across Red River from the Indian Territory, where he might have stolen the whole country, he avers most solemnly that he never acquired a foot of land or a single mine.

It certainly escaped Joe Bailey's attention when talking in this boastful way that all of that territory was nailed down and could not have been taken away by Joe Bailey or any combination of Senators.

In fact, my fellow citizens, when this record had progressed up to the eighteenth day of February of this year, it became apparent to Bailey and Bailey's friends, that, if persisted in, it would lead to such disclosures as would compel Joe Bailey to resign the office to which he had been fraudulently elected by the concealment of facts which, if known, would have deterred any honest representative from voting for him. The opposition to a continuation of that investigation filed by Wolfe and O'Neal and Cobb and J. A. Patten, is altogether inadmissible under the circumstances under which it was filed. They say that they are opposed to continuing the investigation for the purpose of ascertaining what was in the breast of other witnesses because some witnesses disclaimed a knowledge of the things. If we should apply that rule to the investigations of a grand jury seeking to ferret out crime and criminals, it would be an easy matter to obstruct the due administration of the laws of the county. This investigation committee should have been charged diligently to inquire into every avenue suggested by Mr. Cocke, who was forced by the partisans of Joe Bailey to assume a most onerous and unpleasant position, but it delights me to state in justice to him that he met the responsibility as becomes a man and discharged the duty in a manner befitting an old patriot.

BAILEY'S HYPOCRISY.

And then, my fellow citizens, look at the hypocrisy of this man. When Burton of Kansas, was convicted and sent to the penitentiary, he took an appeal to the Supreme Court of the United States. When Congress met in December, 1905, his Republican associates in the Senate, at Mr. Burton's own request, did not assign him to any committee. When this fact was made known, Senator Bailey arose in

the Senate and with pharisaical pretention asked why it was that Burton, the Senator from Kansas, was not assigned to any committee. He said further that the Senate of the United States should not await the slow process of the courts; they were the judges of the elections and qualifications of their own members; they had the power of expulsion, and that, if a man was unworthy to be assigned to a committee, he was unworthy to be a member of the Senate. He said, too, that in the enforcement of the criminal law the presumption of innocence attached to every man charged with crime, and that no person should be convicted unless his guilt was established beyond all reasonable doubt. "But," said he, "when a man has been elected Senator of the United States and a charge is made against him, the Senate should investigate it, and that the rule that he should be acquitted unless his guilt was shown beyond a reasonable doubt, should not apply—that a contrary rule should be enforced, and that any Senator charged with any grave offense or with any offense involving moral turpitude or with any offense which unfitted him for a seat in the Senate, should establish his innocence beyond all reasonable doubt, or he should be expelled.

In this statement he announced a brave and manly rule worthy the approval of all honest and patriotic men. But how does he meet it before the investigating committee of the Thirtieth Legislature, after he had been elected Senator and when the sole enquiry was as to his fitness to hold this exalted place, in view of the crimes charged against him that affected his integrity as a man and his honor as a Senator? When the charges had been preferred at his instigation, and in the form he demanded, the attorneys for the people asked him to take the stand and tell the truth, the whole truth, and nothing but the truth. Before this demand he cowed and quailed. He pleaded that it was a criminal prosecution and that no man could be required to incriminate himself. He wholly repudiated the position he had assumed on the floor of the Senate of the United States in respect to Senator Burton. He claimed, through his counsel, that some of the charges would subject him to a criminal prosecution. In a pitiful way, by his counsel, he pleaded that it would be a grievous injustice to him to bring him before the committee at that time and undertake to interrogate him on these criminal and quasi-criminal accusations against him. Can any man imagine any other Senator ever elected by the people of Texas hesitating to aver and announce any and everywhere his full participation in any transaction, public or private imputed to him that affected his integrity as a man and his honor as a Senator? My fellow citizens, no more abject spectacle than Joe Bailey's refusal to be sworn to tell the truth, the whole truth, and nothing but the truth, as the first witness, can be found in history. His cowardice in this matter condemns him, and his shrinking away from putting his honor to the touch betrays a consciousness of guilt that no freeman ought to condone.

Think of any man, conscious of the rectitude of his own conduct, refusing to declare his participation in any transaction, before a legislative committee, which had neither the power to punish him or to remove him from an office fraudulently obtained and unworthily held! What becomes of his boasted obligation to prove his innocence?

Another man, Mitchell of Oregon, was convicted of the offense of receiving money to represent parties before the Commissioner of the General Land Office. He was convicted and sentenced to the penitentiary. Overwhelmed with disgrace, the poor old man, over 70 years of age, died with a broken heart. When he died it was heralded all over the country, and our self-righteous, unco gude Bailey notified the colleague of the dead Mitchell in the Senate of the United States, that if his death was announced in that body and a motion made to adjourn in honor of his memory, he would be compelled to oppose it. Now think of this. There he was, standing with a front of brass, with over half a million dollars of the Standard Oil Company and other trusts in his pocket, warring not only on the living Burton, but against the dead Mitchell, when the offenses they had committed were the merest peccadilloes compared with the gross and infamous treachery, and the villainous betrayal of the people who elected him, which have been committed by Joe Bailey. What do you think of such hypocrisy as this?

THE ISSUE IN 1908, AND OUR DUTY THEN.

My fellow citizens, in the next year the Democratic forces of this nation will again be marshalled under some leader to contest the rights of the opposition to dominate the affairs of this Government. Regrettable and painful circumstances within the last five years have demonstrated that the Senate of the United States is the most corrupt body clothed with great legislative power, in relation to its numbers, in the world. That is, that there are, and have been, a greater number of criminals and traitors to the rights of the people in the Senate of the United States than any other class or department of government. If we desire to charge this corruption to the Republicans next year and remind them of Mitchell, of Burton, of Derrick, of Depew and of Platt, and Borah, can they not retort on us that there was yet enough of virtue in the Republican party to indict and punish their traitors and to drive them with shamed heads from public gaze. May they not say, too, it does not lie in the mouths of the Democrats of Texas to reply to this, for they have, it is true, with imperfect and meager knowledge of all the facts elected a man whose treasons are greater than all the treasons of Mitchell, Burton, Derrick, Platt, Depew and Borah, and what reply can any honest man, in Texas make to this retort by our political enemies? So far as I am concerned, I would not undertake the defence of such a man as Joe Bailey. Not only this, my fellow citizens, but today in order to recover his lost prestige, in order to veneer his wormeaten reputation, the monopolies, the railroad lawyers, or many of them at least, all of them that may be controlled by Harriman and his interests, every conscienceless, practical politician, who looks only to the results of success without reference to the honorable means employed, are organizing to put Joe Bailey at the head of the Texas delegation to the National Convention of the United States to write for us a Democratic platform, and we must either submit to this indignity, or we must stand up in our majesty and overturn and overwhelm these conspirators against the good name and credit of the State of Texas. How many of you will be found wanting or recreant in the discharge of this patriotic duty? How many of you in this hour of trial and danger will stand by the ideals of your fathers and defend by your votes now the honor of the State which they have bequeathed to you? More than this! This arrogant blackguard has announced and reiterated that no man who opposed him in the past or opposes now need ever expect a political office in Texas. He has named Barrett to beat Randall, and he has brought out Looney to be your Attorney General, feeling that if he can put one or all his partisans in the offices in Texas, he can have an absolute machine which will support him in his undemocratic and unpatriotic practices, and shield him against prosecutions for his crimes in every court. Are you ready today to pledge yourselves one to another, that in vindication of the honor of the State of Texas, no man can receive your vote for any office from constable up, who dares endorse the practices of Joe Bailey or apologizes for his methods or misdeeds. The times call on all of us to be sturdy, brave men and do our duty to our country and to our fellow men.

WHY SHOULD ANY DEMOCRAT BE CONTENT TO LET JOE BAILEY CONTINUE HIS SERVICE IN THE SENATE?

And then, again, my fellow citizens, alone of all the Democratic Senators in the South, alone of all the representatives of the South, Joe Bailey stands convicted of high crimes and misdemeanors. When, at his instigation, the committee appointed to investigate him was discharged, because he had learned that the committee in the Senate by a majority vote would have reported against him, he forced by a majority vote of his partisans in the Legislature, * * * a discharge of the committee without a report. He returned to Washington, and there he sat, surrounded by old Senators Morgan and Pettus, by White and Raynor, of Maryland, by Daniel and Martin, of Virginia, by Simmons and Overman, of North Carolina, by Bacon and Clay, of Georgia, the Senators from South Carolina, the Senators

from Florida, the Senators from Louisiana, the Senators from Kentucky, Mississippi and Arkansas, and by Charles A. Culberson, the Senator from Texas. There has never been the smell of corruption on the political garments of any of these Senators, nor of any Senator from the South since reconstruction days, except in the case of Joe Bailey. He has been elected. The Legislature, recreant to its duty, under an idea that it should obey its instructions, voted for this man for United States Senator, and voted for him, not that he was fit for the place, but because he was the nominee. Suppose that when Joe Bailey ran for the Senate last year the people had known that he had received all of this money from the Waters-Pierce Oil Company, that his name as "republican" was on the secret code of these trusts and monopolies, and that he was and had been in the active service of the Standard Oil trust, the Security Oil Company, the Kirby Lumber trust, the Tennessee railroad matter, and all of the rich and monopolistic concerns from whom he had been taking money for years under the guise of fees—does any man believe that the good people of Texas would have honored him with their support? No fair-minded, just-thinking man would assert it. He has attempted to thwart all investigation. He has suppressed all testimony. He attempted to brazen out the case against him with a most audacious impudence. He mounts the hustings and denounces good men and true all over the State as hyenas, as liars, as scoundrels. When he returns to the Senate in December to be sworn in, he will take his seat, the one suspect on the Democratic side. There he will sit, with the brand of infamy upon his brow, covered all over with the confluent postules of political disgrace, stewing in corruption, steeped in villainy, false to every trust, a traitor to his country, and for five years he will be a burning shame and an everlasting dishonor to the great State of Texas and to the trusting, confiding people whom he has infamously betrayed.

Today we implore the spirits of our fathers, of our dead heroes and statesmen, in the name of all the sacred and honorable memories of the past, to come back to us in the first hour of our country's shame—to quicken our hearts and consciences, to inspire us anew with that love of liberty and honor which glorified their lives, to strengthen our arms and purpose to blot out this black spot, to redeem our country from the oppressions of wicked trusts and to restore our government to the people, to be administered under just laws, made and executed by honest men.

CHAPTER XLII.

"THE COCKE OF THE CHAPARRAL," INCLUDING:

- a. The Quiet, Persistent Prosecutor,
—By Frank Putnam.
- b. Fights Oil Trust Singlehanded,
—By Charles Abbott.
- c. Cocke of Bexar,
—Dallas Times Herald.
- d. Other Editorial Comment.

THE QUIET, PERSISTENT PROSECUTOR.

(By Frank Putnam.)

When Representative W. A. Cocke went from San Antonio to Austin, by invitation to stump the country in the second primary, called after revelation of Bailey's relations with the Waters-Pierce Oil Company, the anti-Bailey committee proposed a joint debate between the senator and Mr. Cocke. It is said that Mr. Bailey retorted "Does he expect me to kick him into celebrity?"

Now, by the irony of fate, it is Mr. Cocke who is "kicking Bailey into celebrity." This young man—he is but 32 years old—has conducted a remarkable campaign against great odds, before the legislative investigating committee. He was forced to go to trial two days after he took the case. He had some volunteer counsel for a brief period, but has had to bear most of the burden of the prosecution single-handed. The committee would not even provide him with a stenographer, and but for the gratitude of certain private citizens of Austin, who remembered how he helped them carry the county against Bailey in the second primary, Mr. Cocke would have to pay for a stenographer out of his own pocket. These gentlemen have done for him what the committee ought to have done, and would have done, if it were not too obviously determined to hamper and hinder his work at every step.

He assumed the great responsibility of formulating and filing charges against the senator at a time when scores of other members, of greater experience, fully believed in the truth of the charges, but lacked the courage to lead a fight for an investigation. With a courage as fine as it is rare, he challenged the most powerful political machine this State has known, at the height of its power, and by sheer force of sincerity, courtesy and persistence he has brought to light an array of evidence, direct and circumstantial, sufficient, and far more than sufficient, to justify the charges he brought against the senator. Texas ought to be proud of this man. In fine contrast with the blustering, threatening, arrogant policies of the senator and his allies, in and out of the committee, Mr. Cocke has shown true courage of the best kind. He has been courteous alike to friend and foe, showing no sign of personal feeling against the accused senator, and has made no play for public sympathy, doing each day his duty as he saw it, unmoved by present slights and sneers and unawed by the menace of future vengeance to be taken by his powerful opponents should he again presume to be a candidate for office.

He is of medium height, solidly framed, his hair is black and curly and his eyes, friendly and sympathetic eyes, are gray, merging into black. His speech is low-toned, deliberate, clean-cut. He has the look and manner of the scholar or the artist rather than of the politician. His kindly temper would predispose him to humor rather than to wit, yet he has shown on several occasions during this investigation that he does not lack wit. As, for example, when he was examining Judge Scott, of Waco. The Judge, with no apparent perception of the impropriety of a judicial officer conducting a political campaign for another man, told how he managed

Senator Bailey's campaign in McLennan county, and laid stress upon the pleasure it gave him to do this. He had previously told how Senator Bailey's personality had been brought into the Waters-Pierce cases then before his court, and had shown that he saw no impropriety in the senator's action, either.

"Judge," said Mr. Cocke, "did you not introduce Senator Bailey at a meeting the night before election?"

"I did," the judge replied, "and I would be glad to do it again tomorrow, if I had a chance."

"I am quite satisfied of that, judge," said Mr. Cocke, dryly. "That is all."

The judge's chubby smile paled a shade or two, just for a moment, as if he were dimly conscious that something had happened to him, but didn't know what.

Mr. Cocke is a lawyer by profession and had worked up a good practice before he was asked by some of the business men of San Antonio to stand for the legislature. He did not especially desire to drop his business for politics, but as his grandfather and two of his uncles had been members of the Texas legislature and his family had always taken an intelligent interest in the affairs of the state, he decided to make the race. His opponent was a representative of union labor, and the practical politicians of the city and county assured him that he was beaten before he started. He went into the campaign with the same energy that he had applied himself to his law practice, and won the election with 600 votes to spare.

At the primary in July he had voted for Senator Bailey. Later, in view of the Waters-Pierce revelations, he made up his mind that he could not support the senator for re-election. He made no secret of this fact and it soon reached the ears of the senator. Mr. Bailey shortly after visited San Antonio and sent for the three representatives to come to his room at the Menger hotel. The other two went. Mr. Cocke declined to go. The senator demanded his resignation. He refused to resign. He was thoroughly convinced of Bailey's unfitness for office, and could see no good reason for putting his people to the expense of a second election. So he stood pat, having made up his mind to do his duty as he saw it. If his people were not satisfied with his course they could elect another man in his place next term. Then he was called to Austin to speak in the fight made on Bailey in the second primary. In the same lordly temper that led him to send for the San Antonio representatives as for vassals, Mr. Bailey scornfully declined to meet the young San Antonian in joint debate. But luck was against the senator, and the cause advocated by the young man from San Antonio carried the day.

When he came down to the legislature, the few members then openly opposed to Senator Bailey began looking up the man from Bexar county. Presently he and Senator Senter had gathered around themselves the nucleus of a caucus comprising a strong minority of the house. The discussion of the grave revelations of Senator Bailey's relations with corporations grew in volume and in heat, yet it was evident that unless some one member would personally shoulder responsibility for formal charges, the rebellious upheaval would pass and nothing come of it. This young man, conceiving it to be his most solemn duty to shoulder that responsibility, did so. He knew that he would be ridiculed, denounced and finally thwarted if the Bailey machine could bring it to pass. But there was his duty and he was content to undertake it, leaving results to be determined by the future.

The effectiveness of his labors in bringing home to the senator the long array of personal and official actions proclaiming his unfitness to hold the office of United States senator is attested by the virulence of the attacks made upon Mr. Cocke in the Bailey organs of the state. Despite numberless affronts in committee and daily lying reports of the most maliciously false character published in certain partisan newspapers, Mr. Cocke has with perfect self-control and admirable pertinacity kept on at his bitter and thankless task.

Today he is beginning to receive some measure of that long overdue appreciation which he has so fairly won. I found him not disposed to talk about himself or his work, not seeking notoriety, satisfied to do to the best of his ability a service that he felt he owed to the state.

If the Bailey machine proves to be powerful enough to defeat him for re-election next term, he will, I am convinced, be pleased rather than disappointed. But the state has further need of his services. He is a strong, clean man, and is growing in power and usefulness. The more men of his kind that Texas can draft into her service, the better she will be served.—Houston Chronicle, Feb. 10, 1907.

FIGHTS OIL TRUST SINGLE HANDED.

(By Charles H. Abbott.)

When the convictions of William A. Cocke led him to, single handed, attack a United States Senator and a powerful financial organization, he sprang into view as one of the central figures in the remarkable drama now being enacted in Austin.

The result of the act, as the investigation develops the characteristics of the man, have been remarkable. By the effect noted a remarkable awakening of sentiment has evolved, as the postmaster at Austin can bear witness. From the length and breadth of the state, and even from the far boundaries of the country, have poured epistles that tell a story.

The story is one of William A. Cocke, personal and close. While the letters indicate a spirit thoroughly aroused among the thousands who have taken the time to congratulate him and offer their moral support, they indicate that the man has loaned something to the cause he represents. His acts have rebounded to the proof of his conviction. The conviction is now contagious.

In 1853 his parents moved to Texas and his father was introduced to the state of his adoption from the pulpit of a church.

Comparatively obscure, the progenitor of the present actor was known to but few. The boy grew up in an atmosphere of inspiration, enthusiasm and grace at the table.

He moved to San Antonio and as he grew to manhood took up the practice of law. Still he was obscure, and received letters that did not burden the mail carrier or inconvenience the postal clerk.

He was still an enthusiast when he learned of the evidence that existed against the "greatest man in the democratic party."

"First I was appalled," he explains, "then I was ashamed for my state, and then I resolved to do what I believed no one else would do."

He has done it, and the awakening of Mr. Cocke has been the awakening of thousands in Texas. As if characterizing the rise of a remarkable sentiment in the land that is made the last standing ground in the battle of the individual against that composite business sense that is conscienceless.

LETTERS OF ENCOURAGEMENT.

The enthusiasm awakened by Mr. Cooke in his sacrifice is reflected in his daily mail. At first the letters came rather infrequently. Mr. Cocke in his enthusiasm was just being introduced to Texas. His curly black hair and his round boyish face, were unknown to many, even in Austin, and his near-sighted eyes rather infrequently lit up with evidences of recognition.

Now it is different. Since he hurled himself full tilt against a United States senator and the Standard Oil for an impossible struggle that can be really successful only in his defeat, he is known and spoken of throughout the length and breadth of Texas and in distant parts of the country.

Others less courageous and less enthusiastic have absorbed some of his inspiration. Thousands have given him the moral support that is necessary under such trying circumstances to counteract the effect of denunciation and abuse.

Day after day he undergoes painful experiences among the professional politicians in the Texas capital. When he walks down the street he is frequently made the subject for cutting remark as he passes. When he sits in the cafe equally cruel and equally cutting conversation passes between those who pretend to be gentlemen, but speak in loud tones for his benefit.

Those who are with him are not so conspicuous in the crowd he faces as are the silent ones in the business houses and the homes. Austin voted against Joe Bailey, but it is not from the Capital City that Mr. Cocke receives the major part of his support.

To testify to this are the postmasters of Texas. Daily comes a fresh collection of letters couched in such terms as indicate the contagion of the awakening and the tone of enthusiasm.

Most of them are confidential. Many are written by business men who have reason to fear the power of the trust and the machinations of influential men in politics. Some are from ladies who appreciate the spirit of bravery and inspiration that impelled the young man from San Antonio to the task he has assumed.

"Fight them to the last shot in the locker," read a telegram Mr. Cocke accidentally happened to drop on the floor of the room in which the sessions of the committee are held.

Fighting is something to which Mr. Cocke is accustomed. Once he thought he had conquered the world at 25. He owned a store and a stock of goods. One night it burned. Meanwhile, he had been studying law at nights, and the catastrophe, for such it was—the goods were uninsured—only precipitated the crisis.

With nothing more than a horse and buggy, several thousand dollars in debt, a wife and family, he started for San Antonio, and he made the trip over the dusty roads because he could not well afford to buy a railroad ticket and prevent starvation. An old shorthand book fell into his hands and he studied hard while his wife dictated and helped. He was granted permission to work in a law office, and was surprised at the end of the month with the payment of a salary. Gradually he advanced until he was making \$75 a month in a large office for stenographic work. Meanwhile he had been admitted to the bar.

President Prather of the University went to San Antonio. He met Mr. Cocke and employed him upon the condition that the young man be permitted to take the law course.

President Prather died. His secretary had in the departments of the institution won high honors. W. A. Cocke went back to San Antonio after a bitter experience, and opened his office in partnership with his cousin. There he was practicing when called upon to go to the legislature by a committee of business men.

Even then he was not opposed to Senator Bailey. The startling disclosures of the voucher record, however, set him to thought. Bailey came to town and sent for Mr. Cocke. The representative did not appear.

The next morning appeared an interview that settled the question, and another fight in a stormy life was started. The circumstances have represented something of an inspiration. Single handed and alone he has faced a remarkable array of forces.

It takes money to fight the Standard Oil Company, and Mr. Cocke has essayed to do so without funds. He has received some moral support, however, as his mail testifies.

Upon the table in his room the unfiled epistles are piled high. Mr. Cocke will not show them even to his friends, but one was copied as an embodiment of all that counts in the struggle.

"Whom the (Standard Oil) gods would destroy, they first make mad by sicking their snipping pups on 'em. Keep your head.

"I want to commend you for the relentless way in which you have conducted the investigation of Bailey, and the manly, dignified manner in which you have met the indignities and insults heaped upon you while you held steadfastly to your purpose in your efforts to disclose to the people of Texas—Truth.

"Inherent justice and the native sense of right of all Texas citizens are with you."

Scarcely less remarkable than the fight is the sentiment aroused. Men of prominence from over the entire United States have taken time from their business affairs to join in the plaudits for the courage and enthusiasm shown.

Meanwhile, Mr. Cocke has "kept his head," and is giving them every shot in

the locker. During the examination when a witness called committed the act of returning one of Mr. Cocke's letters to Senator Bailey and it was read in open session, with the statement that a majority of the committee were opposed to a fair and full investigation, the chairman took occasion to call Mr. Cocke a liar. The face of the complainant went white with anger, and resentment, but he held his temper. A break would have been fatal and he had seen the statement go on the record.

In the afternoon he promptly reiterated his statement as contained in the letter; and offered his reason for so doing. That communication did not reach the record, by order of the man who had so used his position as to offer the insult. It contained such obvious truths that it stung.

But it is not the contents of the letters received so much as it is the fact of their receipt that marks the effect of his action. When he awakened to the fight himself he stirred a sentiment beyond description.

What Mr. Cocke would do was demonstrated by what he had done. It is inherent in the blood and comes from something not unlike an inspiration. Almost every issue in his early life indicates a school of preparation for what he is now facing in a single handed fight, has aroused an admiration for his courage, and in that very fact awakened the spirit that admires pluck and determination. His convictions that have led him so far have been consummated as if by contagion as the unequal struggle continues—*Houston Chronicle*, Feb. 10, 1907.

COCKE OF BEXAR.

Dallas Daily Times-Herald: All the world loves a fighter; all the world loves a man who is resolute and courageous and sincere; all the world loves a manly man who fights on for principle and conviction and a sense of right. All the world loves a man who declines to be bulldozed or intimidated or brow-beaten, who feels that he is right and fights on regardless. A man of this type, of this calibre, may make mistakes, but real men who are not frenzied partisans, will honor him for his loyalty to conviction and his devotion to the cause of the people and the best interests of his commonwealth. There is a man of this calibre in the public eye today, a plain man of the people, who came from the farm and has fought on for his conviction, for the right as he sees it. He has braved the threats of party leaders, braved ostracism and threats of final undoing, braved the wrath of powerful bosses and defied all the machinations of those in power. He has combatted able lawyers, he has faced a hostile chairman, he has endured the insults and taunts and jeers of political opponents and he has ignored the puerile attacks of newspaper organists who have done their level best to ridicule, terrorize or frighten him into silence. No man in Texas history has ever fought such a terrific battle, with odds so overwhelmingly against him, as Cocke of Bexar and no man in Texas history has ever borne himself so manfully and so fearlessly as this Cocke of the chaparral. Pounded by a powerful combination of party leaders; assailed and assaulted by the partisans of those leaders; hammered and harassed by powerful newspapers; misquoted and misrepresented and maligned by malevolent foes and merciless critics, Cocke has never faltered, never lost heart, never evaded, never showed the white feather, never quailed in the face of danger and never quit. "God hates a quitter," it is said. If so, God must have a warm spot in His heart for the Cocke of the chaparral. He, of all men, with everything to lose, on the roster of the Thirtieth legislature, had the courage to file the charges and when he filed them he burned his bridge behind him, placing his trust in his God and the people. He was there at the beginning, he never has deserted his post, he will be in at the finish and his flag is still there.

A bold and open and courageous fighter, without malice in his heart but with red blood in his veins, is preferable to a timid follower or a side-stepping friend. Cocke fights for conviction sake, he fights in the open, he fights according to the rules and he neither asks or gives quarter. In thousands of Texas homes his name is loved and revered today and in thousands of Texas homes, though men may damn him for the fight he has made for a real investigation of their idol, they must also admire him for

his pluck, his gameness and his Texas grit. Cocke has come and he has come to stay. And the Times-Herald, which admires a fighter who fights fair, even though that fighter may not mark its banner, extends its compliments to the Cocke of the chaparral. He stood to his guns, he has never temporized, compromised or retreated in the face of overwhelming numbers or the ear-splitting bombarding of the enemy's cannon. Dogged and defiant and never despairing, he has shown the world what one man can do fighting for what he believes to be right. Bryan has been canonized, LaFollette idolized and Folk lionized for the parts they have played in American politics. And yet these men had Sunday School picnic parties to play when one considers the everyday experiences of this son of the Alamo since he assumed the role of prosecutor for the people at Austin.

Ernest Colby fought the machine to a finish in New Jersey. William A. Cocke is the Ernest Colby of Texas.

CONCERNING MR. COCKE.

Colorado Citizen: In the Bailey investigation, Representative Cocke of Bexar looms up as a conspicuous figure—a man honestly and devotedly attached to duty against all odds, "without variableness or shadow of turning." Throughout it all he showed a brave, courageous spirit, working steadily for what he conceived to be the best interests of Texas; and Texans love and glory in such a man.

Belton Journal-Reporter: Of the many faults found against William A. Cocke, the gravest is: Like the younger Pitt, he is chargeable with "the atrocious crime of being a young man." These things ought to be made the subjects of legislative investigation. He should have had the foresight to be satisfied with being seen and not heard. The era of young men began and ended with Joseph W. Bailey. It was quite the proper thing for him, as a mere stripling, to rush into the arena and unhorse old man Hare, but all that is past. It looks also as if the Methodist church were conspiring to compass Senator Bailey's defeat and thereby to disrupt the democratic party. Furthermore, why should people be so thoughtless as to continue sending indorsements, flowers and gold medals to Mr. Cocke? Don't they know that they are laying up wrath for themselves against the day of wrath?

Dallas Times-Herald: William Alexander Cocke has been a fighter all of his life. His father was a fighting Methodist minister before him and the father is still setting a good example for his son. The man who dared to bring charges against United States Senator Joseph Weldon Bailey is a native Texan, and he has experienced all the vicissitudes and privations of the early settlers of southwest Texas. Cocke was a farmer before his admission to the bar, but while he was studying the common law digest and following the words of Blackstone he was also making a living on a forty acre farm in Kerr County and raising a family.

William Alexander Cocke is now holding his first political position and he has had more experience, perhaps, in his short career as a public man, than any other legislator. But Cocke is accustomed to the strenuous life and the present condition of affairs in Austin which places him in a central position does not seem to disturb his equilibrium. He grows fat on abuse, becomes congenial when snubbed and laughs when his enemies show their teeth. There is bound to be a lot of Dutch in Cocke. He refuses to lose his temper no matter what turns up to provoke him and he is going to stay in the game to the finish. His audacity has swept an entire legislature off its feet, and his ability to take punishment has won for him the admiration of all persons who have just the least tinge of sporting blood in their veins. He has met Joseph Weldon Bailey at his own game and has not been found wanting.

A TRIBUTE TO W. A. COCKE.

To the Editor of The Chronicle:

We have just witnessed a rare display of heroic courage and civic daring in defense of plain, honest dealing in high places. I refer to the attempt to uncover Senator Bailey's dealings with the enemies of the republic.

The senator's great wealth, suddenly acquired through his connection with various

predatory trusts and "Standard Oil" aliases, has excited such distrust of him, as a proper representative, that the legislature ordered an investigation.

Here the trouble began. Mr. Bailey, arrogant and masterful in his dealings with men, having "downed" an investigation six years ago, hurried to Austin and attempted to lay out the matter and manner of the inquiry; he came near doing it. At this juncture Hon. W. A. Cocke, of San Antonio took up the mailed glove of the Standard Oil champion, slapped him in the face and defied this modern Goliath to do his worst. With rare fidelity to the people, he maintained the fight for six weeks, almost single-handed, against this man of Gath. There was no senatorship or hope of reward, except duty well performed.

I think something more than a laurel crown should be awarded to Mr. Cocke. Some of us, among the many, many score thousands, who have admired the daring of this fight against the masterful hands of corporate wealth and high office, and who see in this extraordinary investigation the laying of the lines for the greater battle of the people against corporate greed and vested rights, should get together and make a votive offering to Mr. Cocke worthy the man and the occasion.

GEORGE W. KNIGHT.

San Marcos, Texas.

COCKE WILL FILE SPECIFIC CHARGES.

Austin Tribune: There is one legislator, in the person of William A. Cocke of Bexar, who is willing to make and file specific charges against Senator Bailey with the senate committee and stand the fire of the enemy. Senator Bailey stated in his speech yesterday that he would like to look the man in the face that will file charges against him. Senator Bailey requested the members of the house to proceed in their own way, but for some one to stand responsible for them.

Mr. Cocke, who has been a prominent figure in the recent controversy, without fear of "digging his own grave politically," has answered this challenge.

BAILEY THREATENS HOUSTON.

Houston Chronicle, April 4, 1908. (Frank Putnam.)

Four thousand people, most of them hostile and nearly all of them in search of sensational entertainment, went up to the Houston Auditorium Monday night to see Joe Bailey bore for oil. But the best that he could do was to give them a gas blow-out. And it was a poor grade of gas at that.

Bailey is licked, and knows it.

Last night the senator talked himself to a groggy standstill through nearly three long hours in a vain effort to delude his hearers.

He failed, because those people know the facts.

In Houston, as at Lufkin, he dodged the actual issue. He dared not face it, for it damns him, and he knows it.

He who was lately so arrogant, crushing down all opposition with his party chariot, is now fighting on the defensive, backing away and losing strength and courage at every backward step.

Himself arraigned for treason to his state, the gravest crime in the whole calendar of crimes, Senator Bailey dared not take up that arraignment and answer it, item by item. He did what every beaten lawyer does, he abused the opposition.

Here and there in the huge audience a solitary voice cried out, "Give it to them!" the voice of the bloodthirsty rabble at a Mexican bull ring; but the great audience for the most part sat silent, unresponsive through his abusive harangues.

A TRIBUTE TO THE CHRONICLE.

Twice, and only twice, did he evoke a response from even one-third of his auditors. Once was when, with bitter, deceitful demagoguery, he dragged from the dusty past the scarecrow of negro domination, charging that Cone Johnson advocates white women teachers in negro schools. The second time was when, answering a

cry from the gallery, "How about *The Chronicle*?" he said with a silly leer, "We can't discuss *The Chronicle* in the presence of the ladies." There was an instant yelp and howl of applause from perhaps a thousand people on the stage and in the audience. It was a testimonial to *The Chronicle's* efficiency in subduing in this community the lawless elements of society, low and high.

HIS VEILED THREAT AGAINST HOUSTON.

The senator somewhat subdued his disgusting egotism in his Houston speech. He did not say that he is the greatest man in the American senate, nor boast of his achievements as stoutly as he has done at other places. Yet he could not quite conceal his contempt for common men, his profound self conceit. He uttered a veiled threat that if Houston shall vote against him he will lock the doors of the United States treasury against this city for the balance of his life. What he meant was that unless the honest men of Houston shall vote approval of his gross sell-out to the oil trust he will prevent the federal government from appropriating any more money to improve Buffalo bayou. Having driven home this veiled threat, he tried to take the edge off it by saying with an air of pious resignation that even if Houston has enough "bad men" to defeat him here, he will forgive the city for its good men's stake.

Is that the language of a servant or of a master?

How do Houstonians like it?

Will they crawl humbly to the polls May 2 and vote for this brazen braggart, in fear and trembling lest he rob them of their right of federal aid in developing Houston's channel to the sea?

Or will they at the polls serve notice on him, as they would upon any other impudent servant that mistakes himself for master, that he is to do their bidding or get out of office.

Has Houston no other public servants than Bailey?

Is there not a congressman from this district named Moore?

Is there not a senator from Texas named Culberson?

And so, do these men serve Texas, or do they serve Bailey?

Will they take orders from Texas to get federal money to complete the Houston ship channel, or will they take orders from Joe Bailey to oppose federal appropriations for the Houston ship channel?

I have seen Eastern states, enslaved by bought political bosses, rise in fierce, effectual resentment of insults much less flagrant than this one.

Will Texans stand for it?

HIS IGNORANCE OF THE LABOR PROBLEM.

The senator tried hard but vainly to escape from the true charge that he voted against the federal eight-hour law. He repeated the corporation platitudes about a man's right to work as long as he wishes, and uttered the absurd statement that if the federal government can make a law limiting a day's work to eight hours, it can with equal ease make a law lengthening a day's work to 16 hours. He loves workingmen too well to allow them to be subjected to such "involuntary servitude." Had the senator studied the labor problem one-half as zealously as he has studied ways and means to help an outlaw trust defeat the laws of Texas, he would have known that the workingmen in his audience have long since threshed out and discarded that cheap sophistry.

In this as in every other instance where he attempted to answer a direct charge against his record, he wiggled and floundered only to sink deeper into the mire of general condemnation. This he perceived, and quit trying to defend himself, early in the evening. Thereafter he continued in his usual strain, uttering maliciously false and misleading half-truths, half-lies about the men that are leading the fight to free Texas from the rule of the Standard Oil trust and its bought senator.

HE WILL DRAW PAY FOR WORK HE HAS NOT DONE.

Where was Governor Campbell, and where Senator Culberson, and where were all the other big, clean public men of Texas Monday night?

Were they on the stage cheering and supporting Senator Bailey. Did they, being absent, send him messages of faith and good cheer?

They were on their jobs—busy at the people's work that they are hired to perform. Their absence was a silent but sufficient rebuke to this man who assumes to dictate to the people, not to serve them.

"I stand upon this principle," the senator shouted: "No work, no pay."

Will the senator refuse to accept pay for the weeks he is spending in Texas away from the work the people hired him to do at Washington?

Not for a minute, gentle reader. He rates himself above the common herd. His principles are all for lesser men. If you work for him, he docks you for a day off duty; but if he hires out to work for you, at a fixed salary and on a particular job, in a particular place, he can run around the country at his will, deserting his post; he can come home and dictate to you how you shall run your business, whom you shall employ for other jobs, and keep right on drawing your pay for the work has not been done.

NO WONDER HE HATES COCKE OF SAN ANTONIO.

"They made those charges against me—or rather they procured a little idiot from San Antonio to make them," he said, referring to the 42 charges filed against him at Austin in the legislative investigation of the winter of 1906-07.

Why, men of Texas, there is more manhood in that "little idiot's" little finger than there is in Joe Bailey's big fat body. When older, more experienced men stood back in dread of political consequences, that "little idiot," the gamest man in Texas, and as pure a patriot as ever led a forlorn hope in battle, that "little idiot" put his name to charges whose essential truth you all now know has been established, and fought as brave an uphill fight for public honor and public safety as any man ever made.

When the impartial history of this infamous scandal, this story of bought treason and unblushing shame, is written for the future, as rest assured it will be written, no name in all its many pages will shine with brighter luster than that of the "little idiot" from San Antonio.

His father and his grandfather before him were members of the legislature of Texas, men of honor and ability. Their hands were never soiled with treasonable "fees." And he, like his clean, manly forbears, has served his state with honor and with great ability. William A. Cocke, the "little idiot" from San Antonio, worked his way through the university, won honors there. He never betrayed a client at the bar, and he never sold his state into the hands of its outlawed enemies. He dared the mighty wrath of Goliath Bailey at the height of Bailey's power as master of the Texas democratic machine. He is a man.

No wonder Joe Bailey hates him, defames him at long range, as he would not dare defame him to his face.

PIERCE'S PALPABLE CONTEMPT FOR HIS CHATTEL.

The senator repeated his flimsy and palpably fraudulent pretense that he served Pierce and not the Waters-Pierce Oil Company. And there must have been rich laughter on high Olympus when he tried to bolster up this flimsy pretense by appealing to bookkeepers in the audience to sustain him in his assertion that if he had got the money from the oil company for services rendered it would have been charged in the company's expense account rather than in its account of profit and loss.

Never have I heard any practiced public speaker so insult the intelligence of his auditors. Why, Bailey knows, as everybody else that has followed the evidence in this case knows, that Pierce has throughout treated him, not as a friend and a man, but as a bought chattel. Pierce has with appalling cold-bloodedness entered

upon the books of his company the record of his dealings with Bailey in terms that leave no possible doubt he considered the senator not as a friend but as a traitor whom he had bought from first allegiance and held in merited contempt.

If now the oil trust and the other predatory corporations back Joe Bailey with their ill-gotten money, and they are backing him, why, it is not because they like him, or respect him, but because his fight is their fight. If he loses, his control of the party machine is broken and he will not any longer be able to deliver to them the goods for which they have paid him part and stand to pay him more hereafter if he holds control.

Benedict Arnold was as lonely in England, after his treason, as "the man without a country." Decent men, even in the nation that bought him, held him in unspeakable contempt. It is a saving clause in human nature that no man can turn traitor to his state or nation and ever after win the regard of any state or nation. The people that buy him despise him and with good reason do not trust him.

There is a reason why Joe Bailey has not denounced and never will denounce H. Clay Pierce for "fooling" him about the relations of his company to the Standard Oil trust. It is a reason that goes deeper than Bailey's eager greed for future fees from the same source. Pierce undoubtedly has a hold on Bailey not yet revealed, that makes the senator purr around the knees of this man that he says "fooled" him.

STIRRING UP RACE HATRED.

This recreant senator who dares not face his own black record, this vendor of blackguardly tales against the honor of every man that dares oppose his dictatorship is making a last desperate effort to stem the tide that runs against him by appealing to race prejudice. Like Foraker in Ohio, and for precisely the same reasons, reversed, Joe Bailey is trying to inflame the white man against the black man, the black man against the white man, in Texas.

He has savagely denounced William R. Hearst, and falsely, be it said, for rousing class prejudice in the North. How then can he excuse his despicable efforts to re-awaken in his own state the dying embers of race hatred? He knows the South has forever put down the possibility of negro domination, he knows that the intelligent white masses at the North have given their approval of that course. And yet, with all the actor's art he goes up and down this state declaring with lying tongue that his opponent, Cone Johnson, who asks no more than that the negro be trained for useful industry, to his proper place, is an advocate of white and black equality.

He and his heelers play upon this falsehood with spoken word and with deceptive symbol. Two gray-haired men, who ought to have been above a trick so petty, brought upon the stage of the Houston Auditorium Monday night a coonskin stretched upon a frame and labeled, on its inner surface, "Johnson."

"All coons look exactly alike to me," the senator said with a bland smiling sneer upon his fat and sweaty face. And the thoughtless howled, not heeding how they were befooled by a mere stage trick, by a man who should have been at that minute making solemn answers to the evidence of his own public treason.

"If you want a United States senator who will stand on the street corner every Monday morning and turn his pockets inside out to show you that he has no dishonest money in them, you'll have to get another man," said the senator.

AND HE SPOKE THE TRUTH.

Because there has not been a day in seven years last past on which Joe Bailey could have met this test that he proposes.

BAILEY'S CHOICE ASSORTMENT OF ENDEARING TERMS.

Senator Bailey in his Auditorium speech Monday night asserted that his opponents charge him with being vindictive. He denied this, and stated that even his opponents did not believe it, and only made the accusation because they were afraid of his power in congress. And then to prove that he is the very essence of the

crowning virtue in mankind, he made use of the following endearing terms while discussing those who have dared to oppose him:

| | |
|--------------------------------|-------------------|
| A little idiot. | Thieves. |
| Forgers. | Burglars. |
| Liars. | Rascals. |
| Soreheads. | Anarchists. |
| Deadheads. | Little fish. |
| Cymlin-headed lawyers. | Little grafters. |
| Hypocrites. | Demagogues. |
| Ruffians. | Cow thieves. |
| Lawyers with narrow foreheads. | Ignorant persons. |

SENATOR BAILEY PASSED THRU.

The Farmersville Times (April 29, 1908): Many Farmersville people had the privilege of seeing and hearing Senator Bailey Wednesday as he passed thru town on the Santa Fe railroad going north in the forenoon to Paris and returning south to Dallas in the evening. The Farmersville band honored him with music at the forenoon reception. The Senator spoke briefly while the train was necessarily detained at the station in the morning and told a ——— before saying 100 words—that those who are against him here are the same crowd who have always been against him and for all he cared they may always remain against him.

But how different were the remarks of Hon. Wm. A. Cocke of San Antonio, who was tendered a similar reception upon his arrival at the Katy depot a few minutes later. The band also honored him with music. His response to the reception accorded him was that of a refined, hightoned gentleman who sincerely appreciated the courtesy shown him, taking it not to himself personally, but ascribing it to the devotion to high ideals of political and official life the people would have expressed by their public servants. He said he came not with malice or hatred with which to insult anyone, but with sorrow to perform a patriotic duty.

'T WAS POLITICAL SERMON.

WM. A. COCKE'S SPEECH IN FARMERSVILLE WEDNESDAY AFTERNOON WAS A GRAND EFFORT.

Farmersville Times (April 29, 1908): The greatest speech of the campaign that has been delivered in Farmersville was the address by Hon. Wm. A. Cocke of San Antonio in Herron hall Wednesday afternoon.

The speaker was introduced by Dr. Jas. Williams, chairman of the Anti-Bailey club, at 2 o'clock, and it was 4 o'clock when Mr. Cocke concluded speaking. He talked in a low tone mostly and sometimes barely above a whisper, but such good order and quietude prevailed that he was distinctly heard all over the hall, which was filled to its full seating capacity and many had to stand up. There were many ladies present.

The speaker pitched his remarks on a most high and exalted plane of political standards for public officials, and made a most able presentation of the case against Senator Bailey, whom he pictured in all the depths of his iniquity and unworthiness. It was truly a political sermon and breathed the spirit of an ideal patriotism and a noble manhood. He spoke as a man of goodly walk and demeanor, just the opposite to what Senator Bailey exhibits himself.

Mr. Cocke left soon after the speaking for Blue Ridge to speak at that place that night.

His speech unquestionably strengthened the cause of honest Democracy and good government at this place.

CHAPTER XLIII.

CAMPBELL, DAVIDSON AND BAILEY AT DALLAS BANQUET, 1907.

CAMPBELL THROWS DOWN THE GAUNTLET, WHICH, AT AN NONGUARDED AND HEATED MOMENT, BAILEY PICKS UP.

At a banquet given in honor of Governor Thomas M. Campbell, during the Texas State Fair at Dallas, on the evening of October 29th, 1907, in the course of Governor Campbell's speech after alluding to the fact that the State of Texas had recently secured a verdict of more than \$1,600,000 against "that pirate of all the trusts, that has plundered Texas for years—The Waters-Pierce Oil Company"—Governor Campbell said: "I notice the headlines of what is termed a communication to me from the president of that company in the afternoon papers, and I say to you, my fellow Democrats, that so long as Henry Clay Pierce is a fugitive from justice, in Texas, *I will have no communication with him.* I don't want to be misunderstood as prejudicing any case that may be pending against him in this State—I don't pass upon the merits of that case at all—but I say to you that I regard the defiance of the integrity of our courts and the sovereignty of our State, if you please, by H. Clay Pierce as a menace to the independence of this State, and *until he returns and proves the truth of what he declares and submits that issue to a jury of twelve honest men in Travis County he is entitled to no consideration from a public officer of this State.*

SENATOR BAILEY'S REPLY.

When his time came to speak, U. S. Senator Bailey began in this fashion:

"Mr. Toastmaster and My Fellow Countrymen: Before I proceed to vindicate the paramount issue of the campaign of 1896, I am going to perform another service for the State of Texas. I cordially approve the Governor's determination to exterminate the trusts. But I want to tell him tonight in this presence that the Standard Oil is in Texas and doing business here without any molestation from him or any other officer. I want now to volunteer to the Governor of Texas if he will have a law suit instituted against the Standard Oil Company corporation at Corsicana, I will furnish him the proof. And I want to tell him, furthermore, that that absolute and irrefragable proof is a part of the records in a Texas court tonight. And yet no suit has been instituted.

"Now, I acquit the Governor of any dereliction in that, and if Monday morning he will instruct the Attorney General of Texas to institute that suit, I pledge myself to furnish abundant proof for the conviction."

DAVIDSON TO BAILEY.

On the next day Attorney General Davidson wrote Mr. Bailey a note, which was given to the public press, as follows:

"Dallas, Texas, October 21. Hon. J. W. Bailey, Oriental Hotel, City: Dear Sir:—Saturday night a banquet was given by the people of Dallas to the Governor of the State, and you and I, among others, were guests.

"You volunteered the information that the Standard Oil Company was doing business in Texas in violation of the law, and that my department should move in the matter. I am grateful for the information, because it adds much to the fund of facts that I have already in hand, and I shall cheerfully use you as a witness against what I regard as the worst enemy to the public weal.

"Your known standing in the world of business and politics will, of course, add much to the weight of your statement, and I, as a public officer, welcome this aid from any citizen. What I most desire is that you give me in writing a detailed state-

ment of the facts in your possession so that I may reframe pleadings in suits already in preparation in my department.

"I have your assurance that you have the most unmistakable proof of these violations, and I look to you for valuable and most material aid in bringing this criminal to justice.

"Kindly address me an early reply to my department. Yours very truly,
R. V. DAVIDSON, *Attorney General of Texas.*"

After about a week's time had elapsed, Mr. Bailey replied through the press in which he denied having any personal knowledge of facts that would aid in the prosecution, but referred the Attorney General to the testimony of H. C. Pierce, which had already been developed in the trial at Austin in May, wherein the State of Texas recovered a verdict of over \$1,600,000 and a judgment of ouster.

In this letter as well as in a speech he had just made at Abilene, Senator Bailey also criticised the Attorney General for having availed himself and his Department of the services of the County Attorney of Travis County in his efforts to drive the trusts and trust masters out of Texas.

DAVIDSON REPLIES.

To these various allegations and criticisms, on November 4th, 1907, Mr. Davidson gave out the following strong and patriotic reply:

To the People of Texas: In view of the fact that certain newspapers and persons have for some time charged me with dereliction of duty in not instituting a greater number of suits for violations of the anti trust laws, and have from time to time made statements, which facts published in their own column refuted, and have deliberately misquoted record evidence in an attempt to discredit the efforts of the departments, I feel that a proper consideration of this high and important office required that I make some statements concerning such matters in order that the public may know the facts, which will enable them to draw correct conclusions as to the questions raised. It is needless for me to refer to the very large volume of business and litigation conducted by this department during my tenure, exceeding by far anything in its previous history. Nor it is necessary to call attention to the fact that in almost every instance the efforts of the department have been crowned with success in spite of the combinations of influences arrayed against the enforcement of the law.

Every questionable device has been utilized to drag this office into political discussions for the purpose of clouding the issues and bringing about such confusions that the law would fail of vindication. As long as the interest of the State were even remotely involved I deemed it proper to wholly disregard all such attempts. It was of little consequence that I might suffer personally by reason of the many misrepresentations, provided I succeeded in tiding the affairs committed to my charge through this storm of opposition and resistance. I have no word of censure for those who disagree with the judgment exercised in the discharge of public duty, for no public servant can become greater than his master, nor is he entitled to immunity from the chastisement of public criticism, provided this criticism is predicate upon truth.

The assertion has been made in some newspapers and in public speeches and interviews that I entered into a contract not to prosecute the Standard Oil Company, and in support of that charge Senator Bailey is quoted as saying in his speech at Abilene: "I don't know of any reason, except the reason Gruet gave. He said the Attorney General agreed not to sue the Standard Oil Company—listen. Gruet swore on the second floor of the Capitol that Davidson made that agreement. Davidson's office was on the first floor, but he wouldn't walk up one flight of stairs to deny what Gruet said. If it were not true, and you were the Attorney General of Texas, wouldn't you go and deny it? He knew that Gruet swore that, because a copy of his testimony was marked and sent to the Attorney General, and then before we closed the case my friends formally asked whether anybody in the Attorney General's office had asked to be heard, or intimated that they desired to speak, and the members of the committee said they did not."

The papers making this same charge published Gruet's testimony in their columns. Senator Bailey heard his testimony and had a copy of same; yet notwithstanding that fact, they assert that which he did not testify but which he emphatically denied. No other witness than Gruet assumed to testify on that point. Therefore, all such statements are predicated upon the testimony which he gave. He testified that he had not entered into any contract not to testify against the Standard Oil Company, that he had no agreement or desire to protect them; that he had no interest in the Standard Oil Company. His sole request was that the Standard and the Waters-Pierce Oil Company be not joined in the same suit, that to do so would prevent the case "being progressed along properly and brought to a finish," and for that reason he would not have anything to do with the case if it was so complicated. Nowhere in his testimony searching as was the examination, does it appear that he ever requested, or that any agreement was ever made, that the Standard Oil Company should not be prosecuted; in fact, his testimony shows, beyond cavil, that the department was looking forward to bringing suit against other branches of the Standard Oil Company, and that it had ever had that purpose in mind will be shown later. The following is Gruet's testimony in full on that point, as it appeared in the *Houston Post*, Monday, Feb. 4, 1907, page 8, wherein the *Post* prints a verbatim report of his entire testimony:

Q. Now when you entered into the contract with reference to these cases here, didn't you enter into a contract that you were not to testify against the Standard Oil Company? Why don't you answer that? A. Because I do not know that I did.

Q. Don't you know that you did? A. I did not enter into any contract not to testify against the Standard Oil Company.

Q. Wasn't that the agreement and understanding that you were to protect the Standard Oil Company? A. It was not, sir.

Q. Was there anything said about that? A. Why, to the best of my knowledge and belief, I said, "When you enter this suit here you don't want to drag the Standard Oil Company into it and mix that up like they have in Missouri in that suit." I never made any contract with anybody not to testify against the Standard Oil Company.

Q. You knew that the Standard Oil Company had two refineries in Texas, didn't you? One at Beaumont and one at Corsicana? A. I knew the one at Corsicana, but I did not ever hear anyone admit that the one at Beaumont was a Standard Oil refinery.

Q. You never heard that admitted? A. No, sir. Not admitted.

Q. But did you demand that when they brought this suit here they should not mix the Standard Oil Company up in it? A. I did not demand that; no sir.

Q. What did you say about it? A. I said I would have nothing to do with it if it was.

Q. If the Standard Oil Company was brought into it? A. Yes, sir.

Q. And that was with Lightfoot? A. I think so; yes, sir.

Q. Don't you know that it was? A. I say I think so; this is sufficient, is it not?

Q. And you declined to deliver the vouchers and other papers, and said you would not have anything to do with it if the Standard Oil Company was mixed up in it, didn't you? A. Yes, sir, that is the effect of what I said. May I say a word of explanation?

By Mr. Crane: Q. Why was it you made that statement? A. The plain statement of this case is just this: That I said that the mixing and bringing into the case in Missouri of the Standard Oil Company was the thing that complicated the case and prevented its being progressed along properly and brought to a finish. That was my opinion, and all that we had anything to do with was the Waters-Pierce Oil Company, and if I ever said anywhere, or at any time, or to anybody that I would never be interested in a case against the Standard Oil Company—

Q. Here is the question here: Your statement was based on the proposition that a suit against the Waters-Pierce Oil Company would be a simple proceeding and easily handled? A. Absolutely.

Q. Did you have any interest in the Standard Oil Company? A. None.

Q. Did you have any desire to protect the Standard Oil Company? A. None whatever.

Q. But you thought by suing the Standard Oil Company and the Waters-Pierce Oil Company in the same suit that complications would result to prevent a successful conclusion? A. That was my purpose; that is exactly my thought.

Q. Now you knew that the Standard Oil Company was interested in the Waters-Pierce Oil Company, didn't you? A. I did.

Q. You knew what its interest was? A. I did.

Q. And in suing the Waters-Pierce Oil Company, or becoming a party to that suit, you knew that you were attacking the Standard to the extent of its interest in the Waters-Pierce Oil Company? A. Absolutely, I knew it.

Re-examination by Mr. Odell: Q. You knew the Standard Oil Company was fighting the Waters-Pierce Oil Company, didn't you? A. I do not know whether they were fighting the Waters-Pierce Oil Company in the sense that you infer it. I know they were the majority stockholders in the Waters-Pierce Oil Company.

Q. Didn't you know that they were fighting Pierce? A. Why, I knew there was some difference between Mr. Pierce and them.

Q. You are not a lawyer, are you? A. I am not.

Q. And you were undertaking, when you said to Lightfoot that you would not have anything to do with it if the Standard Oil Company was to be brought into it, to dictate the law policy of the case, were you? A. I was not, sir; I have explained my motive fully.

Q. You have stated it have you? A. I have stated that I thought the coupling of the Standard Oil Company in the suit against the Waters-Pierce Oil Company would complicate matters, so that it would make it difficult. That was my opinion only.

Q. And that you would not have anything to do with it if it was brought in? A. No, sir, I would not have anything to do with it.

Q. If the Standard Oil Company was brought in? A. Yes, sir.

Q. And you would not deliver over your papers and documents if the Standard Oil Company was brought in? A. Why, the assertion that I would have nothing to do with it—the one implied the other, didn't it?

Q. And Lightfoot agreed to it, didn't he? A. He didn't make any objection to it.

It is obvious that his testimony has been grossly distorted and it is quite apparent for what purpose. No explanation and denial is therefore necessary at my hands, as no person of sound mind who understands the English language can possibly construe his language into a meaning that the Standard Oil Company was promised or granted immunity from prosecution. The only request made was that the two be not joined in the same suit. The witness shows that he had no interest in or desire to protect the Standard Oil Company.

He had witnessed the many difficulties encountered by Mr. Hadley in his valiant fight against the Standard, the Waters-Pierce and the Republic Oil Company, occasioned by first one and then other delaying the proceedings by dilatory tactics. His suggestion was therefore an entirely proper one. Moreover, I desire to say that I would not have joined any other party in the suit had I been requested to do so, as our judgment dictated and our experience has demonstrated the task has been a difficult one for the State, even stripped of all other legal complications.

I have but to call attention to the fact that Mr. Hadley had a most trying time to develop the facts of this case, requiring nearly half a day to make H. H. Rogers state his name, age and place of residence. Upon his return to Missouri it was Gruet who placed documents in his hands with which he immediately returned to New York. The officials of the Standard Oil Company, realizing their situation, fell upon their knees and meekly admitted facts that will make out his case. Mr. Hadley is suing the Standard Oil Company, the Republic Oil Company, which is owned entirely by the Standard, and the Waters-Pierce in the same suit.

If Gruet desired to protest the Standard is it reasonable to say that he would have voluntarily furnished the Attorney General of Missouri with facts that will forfeit the Standard's charter in Missouri, along with those of the Republic and the Waters-Pierce. Moreover, Gruet furnished the Bureau of Corporations and the Federal authorities all the information he had, which largely forms the basis of the suit of the Federal Government against the Standard Oil Company of New Jersey and its seventy-four subsidiary corporations. If he were solicitous of the Standard, would he have given facts to the Government to be used in accomplishing the dissolution of the entire Standard organization?

This department has many sufficient reasons why it has not instituted suits against the other branches of the Standard Oil Company before this time, one of the least of which is that we have had all the litigation that we could carefully and properly handle with the forces at my command. I deem it sufficient to say that throughout the entire course of the prosecution of the Waters-Pierce Oil Company I have been gathering facts on which to predicate such suits. In the spring of this year a representative of the Bureau of Corporations of the Federal Government spent several days in my department copying the records in my possession for the use of the Federal authorities. In July, after the trial of the Waters-Pierce case, I had a petition drawn against the other Standard Oil interests.

Having knowledge of the fact that the Federal authorities were going to take testimony which I desire to use, and that they had better facilities for so doing, owing to the larger jurisdiction and powers of courts, I deemed it advantageous to the State to delay filing suit and to wait the development of that hearing.

On the first of October I went to New York and secured all the facts and evidence brought out by the Federal authorities and returned to Texas with the purpose of filing suit as soon as the submission of the Waters-Pierce case was disposed of in the Court of Civil Appeals and the pleadings could be reframed to meet the additional facts developed in that hearing. Evidently realizing that I was on the eve of taking this action, Senator Bailey at the Dallas banquet given in honor of the Governor, proposed that if suit should be filed on the following Monday at Corsicana, he would furnish irrefragable proof sufficient to convict. I was glad to hear the proposition of the Senator, and in good faith called for the proof. I was aware that he had testified that he had acted as the legal advisor of the Standard Oil Company in 1901, when he advised them that they could not do business in Texas, for which they paid him \$2,500 and that subsequently he had been employed by S. G. Bayne, a stockholder of the Standard Oil Company, at a fee of \$5,000 to draw the charter of the Security Oil Company (one of the guilty ones pointed out by the Senator in his reply), and had supervised the first meeting of its board of directors, and hoped that he would be able to give the State valuable evidence to aid in its prosecution. In response to my request for his proffered proof, he merely tendered H. Clay Pierce, as a witness, referring to his testimony, which we had ourselves procured in New York City.

The department will scarcely feel constrained to hazard the interest of the State on one man's testimony, even though its sufficiency be vouched for by so eminent an authority; and even if his witness were not subject to impeachment of character for truth and veracity, we would still deem it proper to secure additional testimony to cover matters not testified to by him, and to connect concerns which even the Senator apparently did not know were operating in Texas.

Senator Bailey evidently regarded this as a new discovery, and by its revelation deemed himself entitled to great credit of rendering the State an important service; whereas, in the Waters-Pierce Oil Company cases we had made the allegation in our petition that the Standard Oil Company owned and controlled both the Corsicana and Security refineries and offered evidence in support of that allegation. However, I do not desire to be understood as reflecting upon his sincerity in now desiring this case prosecuted vigorously, and will not give credit to his modest protestation of lack of personal knowledge of material facts to the State's case, and will therefore call him as a witness for the State, with the purpose of affording him a proper opportunity of rendering the State a valuable service in assisting to drive out an odious trust which

came into the State, in disregard of his advice, and partially through a concern for which he himself was employed to write the charter.

I have been bitterly criticised for authorizing the County Attorney of Travis County to join in the prosecution of anti-trust cases, that act being criticised as a betrayal of the State and as an infamy practiced upon the State, and not done only for the purpose of cheating the people, but the people's treasury as well.

The Legislature of Texas, in every trust law, has recognized the necessity of the State being represented by her District and County Attorneys. It was not until the passage of the act of 1903 that any power of discretion was conferred upon the Attorney General to determine when, where and in what cases these officers should be authorized to assist in the enforcement of that law.

The Legislature doubtless further recognized the well-known fact that in the trial of anti-trust suits the State should have the benefit of the professional services of these local officers, who are upon the ground and are entirely familiar with local conditions. The Legislature also took into consideration that the Attorney General and his assistants are in almost every case residents of counties other than the county where the seat of government is located, which is especially the case with respect to myself and my assistants, not one of them being a resident of Travis County.

In each of the anti-trust suits which have been instituted at Austin the State has in every instance been confronted with local lawyers among the very best at the Austin bar. They were well and favorably known to the Court, the jury and the community generally, while I and my assistants, being residents of other counties, in different portions of the State, were in a measure strangers to the people, and to local conditions, and taking these facts into consideration, among others, it was deemed proper to exercise the discretion given to the Attorney General by the Legislature, under the act of 1903, to authorize the County Attorney to assist in these prosecutions.

Again, the Twenty-Ninth Legislature only appropriated \$15,000 for the enforcement of the anti-trust and Railroad Commission laws to be expended in two years. In view of the fact that \$5,000 of this sum was expended for additional counsel to assist in the suits brought by all the railroads to set aside all the rates of the Railroad Commission, the remainder was insufficient to pay the necessary counsel in securing testimony, to pay the traveling expenses of the officers of the department in search thereof, and the current cost arising in the courts, and leave a sum sufficient to employ additional counsel needed to carry on the volume of litigation which this department has undertaken up to this time. In considering the question of whether or not this department has needed such assistance in order to care for such litigation, it is not improper to refer to the fact that testimony has been taken in a number of States of the Union requiring the presence of my assistants, while at the same time other important legal duties were being performed by others here and at other points in this State.

Again important legal matters growing out of these prosecutions have been conducted simultaneously in the District Court, Court of Civil Appeals and United States Circuit Court of Appeals, and yet it is expected, it seems, that I can be at all places at all times, carry on the business of other departments and successfully meet all the issues without availing myself of such assistance as the Legislature in 1903 wisely put at my disposal. The Attorney General is neither omnipotent nor omnipresent.

It is charged that fees allowed the County Attorney under the law are wholly disproportionate to the services rendered. The Legislature fixed the fees which the County Attorney shall receive for his services, and that is a matter about which the Attorney General has neither concern nor has any power to regulate.

Although under no obligation to do so, Mr. Brady has employed local counsel to assist the State, out of the fees allowed him by law. The counsel selected by him stand in the foremost ranks of the Austin bar, and their professional skill and integrity has not and cannot be questioned. He has provided the State with the benefit of their work without cost to the State. In only one instance has the department employed assistance for the State from money appropriated by the Legislature for that purpose.

It is hardly necessary to call attention to the fact that, of all violators of law, of all enemies to the rights of others, the trust magnate, by reason of his business methods, is a past grand master in concealments, trickery and deception. In his move-

ments, he has the fleetness of the deer, and in has habits the cunning of the fox. His tracks are hard to find and still more difficult to follow. When at last he is captured, and is confronted with the law and suits are brought to banish his unlawful business from the state, he becomes ugly, arrogant, boastful of his innocence, and, abounding in illgotten gain, he shows fight and hurls defiance at and proceeds to slander and abuse what he terms his persecutors. His first move is to employ first-class lawyers, in many cases their fees amounting to many times the amount of the entire appropriation made by the Legislature for the enforcement of the anti-trust laws. For illustration, I have but to refer to the case against the Waters-Pierce Oil Company, in which the defendant has, in the several branches of that case, distinguished counsel from the following firms of lawyers, all of whom are eminent in their profession:

Storey, Thorndyke, Palmer & Thayer of Boston, Mass., Priest & Bowles, Johnson & Richards of St. Louis, Capps, Cantey, Hanger & Short of Fort Worth, Head & Dillard of Sherman, Judge E. B. Perkins of Dallas, Senator D. W. Odell of Cleburne, Clark & Bolinger of Waco, Judge N. A. Stedman and Cochran & Penn of Austin.

I have been especially criticized because in the cases of the Fort Worth Live Stock Exchange, wherein a judgment was rendered in favor of the State for \$17,500 and the forfeiture of its charter, because Mr. Brady received as a fee, \$2,675.

As before stated, the law fixes this fee, and about his right thereto there can be no question or discussion. Mr. Brady employed the following counsel to assist in the prosecution of those suits: The law firms of Gregory & Batts, Allen & Hart, and Hon. Jeff D. McLean, County Attorney, of Tarrant County, who was killed at Fort Worth while attempting to enforce the law.

The public would not be usually interested in what disposition the County Attorney made of his fee in this case, or what he paid other attorneys and officials for their assistance, yet as I am charged with a dereliction of duty in the matter of his fee, I have permission to state how much, therefore, he actually received and what was done with the remainder. Out of this he paid Gregory & Batts the sum of \$891.46, Allen & Hart, \$445.73, to the widow of Jeff McLean (deceased) the sum of \$445.73, to Brady's partner the sum of \$445.73, leaving Mr. Brady the sum of \$445.73 out of the original sum of \$2,675.

Considering the service rendered, the department by himself and associates in making investigations, the drawing of pleadings and other work, and responsibility incidental to suit of like character, it is clear to me that Mr. Brady and each of his associates received less than they would have received had they been employed by the defendants to assist in the defense. The defendants in those cases were likewise represented by a number of lawyers of professional eminence and men of unquestioned influence in the State and before the courts. I do not know what fees they received, but the fees received by Mr. Brady and his associates, I am sure, were much less than those received by each of the attorneys for the defense.

Certainly, I am unable to see why Senator Bailey should so strongly object to the County Attorney's fee when it is remembered that he stated (Bailey) under oath, in the investigation at Austin last winter, that for a opinion he gave the Standard Oil Company in 1901 wherein he advised them that that company could not do business in Texas, he charged a fee of \$2,500. I am not discussing whether Senator Bailey charged the Standard Oil Company too much or too little for his opinion; but considering the work of Mr. Brady and other counsel, and the time given to those exchange cases, my judgment is that the laws of Texas did not pay them as much, or anything approximating as much, as the Standard Oil Company paid Senator Bailey.

The same statement is true regarding the fee which Mr. Brady received in connection with the suit against the International Harvester Company. This case was also of great importance to the Government and its results will be far-reaching in its consequences to the farming element of the State. Mr. Brady did a great deal of work in that case, made several trips to Houston and appeared in the injunction proceedings and rendered efficient service to the department in every way desired. His fee was what the law gave him and nothing more.

Senator Bailey, according to his standard of fees, should not complain of what the law here paid the County Attorney, for he testified at Austin that for his services in drawing a Texas charter and mortgage for the Security Oil Company and attending a meeting of its board of directors at Beaumont he charged a fee of \$5,000. Brady and his partner received a fee of \$5,280 for assisting to put a trust out of the State while Senator Bailey received a fee of \$5,000 for drawing a charter that was utilized to introduce another tentacle of a trust into the State, and charged me with dereliction of duty because I have not been more active in undertaking to expel it.

The manner in which I have been and am now prosecuting the suit of the State vs. The Waters-Pierce Oil Company has been and is giving that company and certain other persons great concern. It seems that nothing has been nor is being done that meets with their approval, and among other high crimes and misdemeanors charged to me is that I have authorized and requested the County Attorney to assist this department with its prosecution.

From my viewpoint of duty and fidelity to the people of this State I do not think it necessary or proper to consult the wishes of the Waters-Pierce Oil Company and its friends as to whom and how this suit should be prosecuted, and whether or not I should require the County Attorney and such assistants as he might desire to employ to join in its prosecution. As is well known to all there has never been in the judicial history of this State a case which has been so hotly contested from its inception as this one. As stated, they have secured the services of the best legal talent to be had, not only in Texas but in the United States. They have, as was expected by me, fought every inch of the ground, asking no quarter and giving none, and the battle is still on, not only in the State but in the Federal Courts. I determined at the outset to avail myself of what the law of 1903 authorized me to do, namely, to authorize and require the County Attorney of Travis County to assist in the prosecution. Mr. Brady being well acquainted with the people, a good lawyer, a most efficient officer and well and favorably known, was accordingly so authorized. He immediately brought to his assistance other lawyers with whose services I am well pleased. The fees of the important litigation are entirely contingent and dependent upon a final judgment for the State. If they receive any fees the amount is fixed by law, and I desire to say now that any statement or intimation that either I or any of my assistants are to share in this or any other fee, or have any interest therein is wholly untrue and without foundation in fact. While it is true that the fee in this case may be considered large, this however, is the result of the continued and daily violation of the anti-trust laws by the Waters-Pierce Oil Company since June 1, 1900 and the law fixing the amount of the fee. Senator Bailey takes special exception to the size of this fee, and yet last winter in the investigation John H. Kirby testified that he had paid Senator Bailey over \$145,000 for professional services rendered by Senator Bailey in his Houston Oil Company and Kirby Lumber Company troubles, and, if I remember correctly, he also stated that he still owed Mr. Bailey other money for those services. From Senator Bailey's view and judgment of what he earned as a lawyer in Mr. Kirby's troubles and what he considered was merely a fair fee, and taking into consideration what he did and what Mr. Brady and his assistants have done and are doing in the Waters-Pierce case, and further considering that Mr. Brady's fee is wholly contingent, it would appear to an impartial man that there would be no particular miscarriage of justice in Brady's receiving what the law gives him in the Waters-Pierce case. I say nothing about Senator Bailey's services to Mr. Kirby; yet, if in his case his fee was about right, then the law is not far wrong in providing proper compensation in cases involving the constitutionality of the anti-trust laws of the State, the corporate life of the defendant, wherein judgment was rendered for over a million and a half dollars, and defendant's property placed in the hands of a receiver.

It will also be noted that the County Attorney is to pay other counsel and other necessary expenses incident to the development and prosecution of the case, while there is no evidence that there was any division of Senator Bailey's fee.

No reasonable person, taking into consideration the immense volume of litigation of all classes which this department has conducted, will believe that I have abused the discretion vested in the Attorney General by the act of 1903, which au-

thorizes him to secure such additional services in bringing suits for penalties under that act.

But, if the reasons I have mentioned be not sufficient within themselves, I have but to say that in all the suits instituted up to this time the law required that the County Attorney join me in the prosecution of such cases. The Attorney General is without power to prevent the County Attorney from appearing in and prosecuting same and collecting the fees provided by law. To go further, the law requires, by mandatory provision, that he join the Attorneys General in such suits. Every suit prosecuted has been based upon violations of the act of 1899 and the act of 1903. In all prosecutions based upon the act of 1899 the law provides that the suits shall be filed and prosecuted jointly by the Attorney General and the District or County Attorney. Sec. 9 of the act of 1899 provides as follows: "Sec. 9. It shall be the duty of the Attorney General, and the Prosecuting Attorney of each district or county, respectively, to enforce the provisions of this act. The Attorney General and the Prosecuting Attorney shall institute and conduct all suits begun in the District Court and upon appeal the Attorney General shall prosecute said suits in the Court of Civil Appeals and Supreme Court. The prosecuting Attorney shall receive for his compensation one-fourth of the penalty collected; provided the fees allowed for in this section shall be over and above the fees allowed him by the general fee bill now in force."

It will be seen, therefore, that by the plain letter of the law that the Legislature has made it the duty of the Attorney General and the County Attorney to jointly institute and conduct all cases arising under the act of 1899. I have no power to prevent said officer from appearing in court and assisting in such prosecutions or collecting his lawful fees, for the Legislature not only makes it his duty to do so, but by express language directs that he shall do so.

And yet, notwithstanding this plain provision of the law fixing the power and authority of the County Attorney as absolutely as the Attorney General's is fixed, so eminent a lawyer as Senator Bailey, who is so well versed on the trust law of 1899 that he was paid a handsome fee by the Standard Oil Company for construing its provision, declared to an audience in Texas that I had been guilty of an act of infamy for permitting the County Attorney to exercise rights and powers bestowed upon that officer by the Legislature, and which I would be powerless to prevent if I so desired.

It is true that under the provisions of the act of 1903 the Legislature saw fit to clothe the Attorneys General exclusively with the power to institute anti-trust suits arising under that act, but gave him the power to require the services of the District and County Attorneys when he deemed it to the interest of the State to direct such officers to assist him in such prosecutions. But the exercise of that discretion is limited to suits arising wholly under the act of 1903. Sec. 11 of the act provides as follows:

"Sec. 11. Each and every firm, person, corporation or association who shall in any manner violate the provisions of this act shall for each and every day that such violation be committed or continued, forfeit and pay the sum of \$50, which may be recovered in the name of the State of Texas in any county where the offense is committed, or where either of the offenders reside, or in Travis County, and it shall be the duty of the Attorney General to prosecute for the recovery of the same, and the fees of the prosecuting attorney for representing the State shall be over and above the fees allowed him under the general fee bill."

It will be seen from this provision that the Legislature only provided in this act for suits for penalties arising under this act, and the discretion of the Attorney General in directing the County Attorney to join in such prosecution is thereby limited to suits for violating the provision of "this act." Had the Legislature said that in all suits hereafter instituted for a violation of the anti-trust laws of the State such suits shall be prosecuted by the Attorney General, or the District Attorney or County Attorney acting under the direction of the Attorney General, it would have made the rights of the District or County Attorney to assist in prosecutions for violations of the act of 1899 dependent upon the wishes of the Attorney General. But having limited that authority to suits brought exclusively under the act of 1902, it did not

impair or affect the rights of such officers in suits involving the act of 1899. This point is further emphasized by other provision of the act of 1903. In every instance its provisions relate only to suits arising under that act. Therefore, the County Attorney having the right by statute to join in the institution and prosecution of acts in violation of the act of 1899, I have not hesitated to recognize such authority or to authorize him to also assist in that branch of the case arising under the act of 1903.

I have been charged with high crimes and misdemeanors because in the live stock and harvester cases the amount of the penalties were divided equally under the act of 1899 and 1903.

Under the law the penalties for violating the act of 1899 are not less than \$200 nor more than \$5,000 per day, while under the act of 1903 they are but \$50 per day. Therefore, in such suit the State is entitled to recover not less than four times nor more than one hundred times as much under the act of 1899 as it is under the act of 1903 for each day's violation. Yet, in these two cases the amount was divided equally under both acts. Under this arrangement more of the penalties were placed under the act of 1903 than the law required. While this is true, it has been shown that the amount of fees earned by all the counsel in the cases were considerably less than are customary in litigation of that character.

Again, Senator Bailey is quoted as saying in his Abilene speech that the International Harvester Company had organized a new corporation in Texas after its recent conviction, and expressed great indignation because thereof. If such be true he has another opportunity to render the State a service. In the judgment against that concern perpetual injunction was secured preventing that very act, and if his assertion is true, every officer of the Texas Harvester Company, the concern to which he referred, is guilty of the crime of false swearing, and is in contempt of the District Court of Travis County. The injunction is as follows:

"It is further ordered, adjudged and decreed that the defendant, the International Harvester Company of America, is hereby perpetually enjoined from organizing any corporation or acquiring or retaining any stock or interest of any nature whatsoever, either directly or indirectly, in any corporation, firm, co-partnership or association of person, already organized, or which may hereafter be organized for the purpose of transacting or carrying on any business of selling goods or products of the said International Harvester Company within the said State of Texas, or from entering into any agreement, understanding or exclusive contract with any corporation, person, partnership, joint stock company or other association of persons to whom it may have sold or may hereafter sell its property, products or business within this State through or under which the said International Harvester Company of America agrees or may agree or bind itself not to sell its products or goods to any other person, firm, corporation or association of persons."

Again, when the officers of the Texas Harvester Company presented their charter it was accompanied by the following affidavit:

"State of Texas, County of Dallas: Before me, the undersigned authority on this day personally appeared Ed. S. Hughes, John M. Johnston, LaMonte Daniels, Joe E. Johnston, Joseph E. Cockrell and Edward Gray, all and each of whom being first duly sworn, deposed and said that no corporation, or corporations, no other person or persons than themselves have any interest, directly or indirectly, in the company this day sought to be chartered, called the Texas Harvester Company, or in the stock, but the same is entirely owned by these affiants in the proportions as set out in their general affidavit for such charter.

"Witness our hand this the 12th day of September, A. D. 1907.

"ED. S. HUGHES, JOSEPH E. COCKRELL,
"LAMONTE DANIELS, JOE E. JOHNSON,
"JOHN M. JOHNSTON, EDWARD GRAY."

"Sworn to and subscribed before me by each and all of said affiants this, the 12th day of September, A. D. 1907.

"CURTIS HANCOCK,
"Notary Public, Dallas County, Tex."

In justice to the people, my department and myself, I have deemed it proper to make this statement.

It has often been very trying to remain silent while feeling that I was being grossly maligned and misrepresented by those who wished to drive me from the obligations of my public duties.

There are many other good and sufficient reasons which I can offer in support of the acts for which I am criticized, that will justify the discretion exercised.

I have an abiding faith in the love of justice innate in the people of Texas, a people who exalt truth and honor, abhor deception and shame; a people who idealize the principles that "There is more wealth in the Bible than in the bank book, more power in the love of friends than in the fear of an enemy; more glory in an approving conscience than in the plaudits of a multitude."

Suffice it to say, that in the future, as in the past I expect to use my best judgment in managing the affairs of this department, and will continue my efforts to uphold the law, regardless of who it offends or who may misrepresent my motives.

Respectfully,

R. V. DAVIDSON,
Attorney General.

CHAPTER XLIV.

WACO ANTI-BAILEYISM CONVENTION.

- a. Why Bailey Ought to Quit Public Life.—"Farmer Shaw."
- b. Waco Convention Sounded Doom of Baileyism in Texas.—Frank Putnam.
- c. Waco Gathering Without a Parallel in Texas History.—H. B. Carroll.
- d. Crisp Convention Sentiments.—Selected.

In Waco, Texas, March 7, 1908, at the call of Hon. George W. Riddle, chairman of the Democratic Club of Texas, with headquarters at Dallas, Texas, which club was organized by Democrats to oppose the corrupt practices and vicious ideals engaged in and endorsed by Senator Bailey—in short, to oppose Baileyism—there gathered together a convention of some three thousand earnest, loyal, patriotic Democrats. These representatives of the people came from every part of Texas at their own expense. They rode not on free passes. They outnumbered three to one and more the usual State Democratic conventions of Texas. They were animated by one purpose—the desire to see Texas regain her erstwhile reputation and character among the Southern commonwealth, from which high seat she had been cast low by the perfidy of her fallen Senator. This object was sought to be obtained at this juncture by the opposition to Mr. Bailey's announced candidacy for delegate at large to the Democratic National Convention to convene in Denver, Colorado, in June following.

The following references to that Convention and a review of Mr. Bailey's political career are taken from the "Texas Farmer" and were written by Hon. W. M. Shaw ("Farmer Shaw"). Mr. Shaw was at the Convention and knew whereof he spoke. His pertinent observations follow:

WHY BAILEY OUGHT TO QUIT PUBLIC LIFE.

By "Farmer Shaw."

There were assembled at Waco last Saturday between 2,500 and 3,000 people to enter in mass meeting a Texas protest against machine-government in this State.

The meeting represented the barrens, the learning, the integrity, the courage and the patriotism of Texas. It included men from every class, calling and creed—the professions, the farm, the workshop, the pulpit, and the laborer without a trade.

By common consent the machine is labeled "Baileyism." This mass meeting was under the unanimous conviction that the acts of Senator Bailey and most of his co-workers afford conclusive proof that this machine is striving to govern corporations; in the interest of men and combinations whose god is gold and whose inspiration is greed.

This machine has an apparent strength it does not possess, because it was quietly organized without the people realizing the source of danger, or even knowing that such an organization was contemplated, or that there was remote cause that prompted its leader, J. W. Bailey, to organize it. It was organized by Bailey and his leading co-workers securing the chairman and every member possible of the Democratic Executive Committee, and every member possible of the Thirtieth Legislature. The machine secured Bailey's convention re-nomination for the Senate, although he had no opposition. Only Bailey and his co-workers knew the political peril ahead of him, and hence wanted the "nomination" as an excuse for his henchman in the Legislature to force him upon the people even if the fearful disclosures they feared were made, and they were made.

BAILEYISM AND MACHINE POLITICS.

What is "Baileyism?" People opposed to the machine that has been organized define it as a corrupt political science under which its disciples serve corporations, resort to false-swearing, bullying, bulldozing and bluff; and rob the people direct even while engaged in the disreputable business.

Upon what do opponents of the machine base this definition? Upon facts that have become public notoriety through the press, by evidence in possession of the Attor-

ney-General's department, by the proceedings of an investigation committee of the Thirtieth Legislature, by Bailey's own proceedings in New York, by his close affiliation with leading representatives of interests whose greatest study is how to rob the people—including chiefs of all the Standard Oil Company and the Harriman interests; and in the light of these subsequent events, by the celebrated investigation (?) during the session of the Twenty-Seventh Legislature.

Another strong reason for this definition is the fact that neither Bailey nor his co-workers have dared to defend the corrupt principle of which the opponents of machine rule consider Bailey today the most conspicuous illustration in the United States.

At Houston Mr. Crane laid down the proposition for discussion that no Congressman should have the clientage of public service corporations. If Bailey had taken the negative and boldly defended it, many people would have credited him with sincerity even though they may have differed with him. This, however, might have forced a sufficient number of the subservient majority to defeat his election. This would have prevented that investigation. Defeat would have been better for Bailey than the disclosures in the investigation. He could have then retired to private life with a much cleaner reputation, and perhaps with a clearer conscience. But when, for no other reason than to divert discussion from the principle involved, he switched to silly twaddle about a host of enemies pursuing him (a thing he ought to have known, and ought now to know, is not true), people felt that he knew he had done what he could not defend. There may be some few men in this fight against the machine who are, to some extent, influenced by dislike for Bailey, for he has most persuasive and winning ways to make people whom he don't like either most cordially despise him or have a contempt for some of his peculiarities. As a rule, however, opponents of the machine have no reason to be his "enemies," and are influenced alone by their conceptions of public duty. Not five per cent of mankind are governed by malice—yet Bailey assumes that one who differs with him is a "malicious enemy." There couldn't be better evidence of a broken cog in his mentality.

Then the opponents of the machine do not believe Bailey has true courage; that, in fact, he's a bluffer. Nothing could make a man smaller—in American public estimation.

BAILEY'S INEFFECTUAL BELLIGERENCY.

Yet the good people of Texas have long ceased to be surprised at the fussing antics of our Senator. He has been in public life eighteen years, and during all that time the people of the State have never been permitted once to forget that he was in the limelight. For all these years he has been either on the front tiers of a row or vamping around so as apparently to make people believe that somebody was in immediate danger of sudden death. In the year 1890 Bailey entered the list for Congress against Judge Silas Hare and the Hon. C. B. Randall, of Sherman. In the contest he was victorious and in each case he is reported as the sworn foe of both of his opponents. As soon as he was sworn in as a member of Congress he began fussing with everybody in office, in all parties—Republican, Democratic and Populistic. He fell out with all the leaders of the Democratic house; he became the sworn foe of Speaker Crisp; he fell out with the Hon. Benton McMillin and scores of his Democratic associates in that Congress. When Mr. Cleveland was inaugurated in 1893 Bailey lost no opportunity to severely denounce Mr. Cleveland. He refused to speak to Mr. Carlisle and was not on speaking terms with any member of Mr. Cleveland's cabinet. In less than one year he was in open hostility, not only to President Cleveland, but to all of his cabinet, and to every other Democrat who conscientiously differed with him in any of his views and on any question. In doing so, he announced publicly that these men had forfeited his friendship, and denounced all leading Democrats who happened to differ with him.

In 1894 when he ran for Congress he was opposed by a Mr. Browder—a preacher. In the first joint debate he accused Mr. Browder of all sorts of misdemeanors. * * * He was afterwards opposed for Congress by Mr. Gordon, a lawyer in Bonham. He made a vicious attack on Mr. Gordon. Mr. Gordon retorted and ac-

cused him of several crimes and misdemeanors, when Mr. Bailey threatened to cut his throat. Mr. Gordon continued to make the charges, and his throat was not cut. In 1897 Mr. Bailey was elected a leader of the minority of Democrats in the House of Representatives. He undertook the duties of his position under circumstances which should have led to a brilliant success. However, Mr. Bailey seemed to think he was selected not to lead, but to drive. He soon fell out and fussed with every prominent Democrat in the House of Representatives. He was at open war with General Wheeler, with Mr. McMillan, Judge De Armond, and with every Democrat of any prominence in the House of Representatives. Without consultation with his party associates he agreed with Mr. Reid that there should be no legislation during that congress, except on the tariff issue. He played into his hands and agreed that the Democrats in the House of Representatives during the extra session of Congress, which met on the 15th of March, 1897, should fold their hands and do nothing while the Republican leaders were incubating the Dingley tariff. However, his insolent efforts to dictate to his party colleagues were in every instance decisively rejected, and then, in a pout and in the middle of the term of Congress, he resigned because he no longer possessed the confidence of his party, and could infuriate but not lead the minority.

BAILEY OPPOSED GOVERNOR HOGG'S REFORMS.

During Governor Hogg's administration he never, in any speech that he made to his fellow citizens, expressed his approbation of the policies inaugurated and successfully carried out by that great tribune of the people. On the contrary, he was hostile to Governor Hogg, and during the whole career of that grand governor he was his enemy. He became also the open enemy of Attorney General Crane, fought his nomination for Governor in 1898, and now boasts that he defeated him in the convention. In the presence of the assembled Democrats of Texas he sneered at Senator Culberson, and said that the trouble was that he needed more iron in his blood, and more steel in his backbone. He fell out with Senator Chilton, since he had the hardihood to oppose him, and with Bob Stafford because he was Chairman of Senator Chilton's campaign committee.

In 1900 he loaded down the public prints with infamous denunciations of all those who did not approve of his sell-out to the Waters-Pierce Oil Company. When he was whitewashed by the Twenty-Seventh Legislature, he kept up the fight against all his "enemies." When he was sworn in as a Senator he had hardly taken his seat before he provoked a difficulty with Senator Beveridge, and made a violent and abusive denunciation of Hon. W. L. Pennfield, then solicitor general of the State department, who was absent and could not defend himself. When Mr. Pennfield, in a public communication, refuted all his charges and denounced Bailey in fearful terms, the junior Senator remained discreetly silent.

In 1906, when David Graham Phillips gave an inkling of the practices of this servant of the Standard Oil and Waters-Pierce trusts, he rose majestically in his place in the Senate and hinted his regrets that dueling was obsolete, and that he could not call on Mr. Phillips to answer for his audacious and irrelevant assault upon "my" character. He then proceeded with some feeble denunciations of Mr. Hearst, Mr. Phillips and other conspirators. He then fell out with President Roosevelt because the latter ascertained that Bailey was the "attorney" for the Standard Oil and the Waters-Pierce companies, and withdrew his advocacy of the so-called Bailey amendment to the freight regulation bill, and said why he did it. Joe Bailey arose to a personal explanation, and in addressing the Senate denied roundly all connections with any trust, and denounced the President in very unparliamentary language and in very abusive terms. The people of Texas took him at his word. The President, of course, could not afford to enter into a personal controversy with Bailey.

BAILEY WITHOUT COURAGE.

We give these statements as the public has received them. Now, Bailey has several times been "called" on his belligerent propensities, and has never answered. Because he has never given reasons for this, people do not have a high opinion of his courage. It ought to be beneath the dignity of a Senator to pay attention to abusive language unless he provokes it. When, however, he puts "a chip on his shoulder" and some one knocks it off, people naturally expect that the difference of opinion will not end there. Much more could be said, but it is enough now to say that Bailey and his co-workers can make up their minds that the people opposed to the machine have a contempt for the whole bunch. They doubt their honesty, truthfulness, sincerity, courage and patriotism. It could be put even stronger. Of course all of his supporters can not be condemned as indorsers of corrupt methods, but, the evidence considered, most people would think it wise if they could be forbidden to hereafter sit on a jury.

Now, Bailey and his machinists can not object to the trial they have had, or will have. The people have tried them according to Bailey's own standard. During the trial of a brother Senator [Senator Burton of Kansas], Bailey announced the theory of justice that should apply to public officials. He held that their trial should not be according to the accepted code that accused men should be accounted innocent until proven guilty. On the contrary, he held that guilt should be presumed until they established their innocence. And his statement was made in the harshest and most cruel terms. Until Bailey abandons abusive tactics and his silly nonsense about "enemies" pursuing him maliciously, and establishes his innocence beyond question, opponents of machine rule will hold him guilty; can not do otherwise with the evidence in hand.

BAILEY SHOULD BE EXPELLED FROM THE SENATE.

He himself chose the plan of battle in heaping the grossest abuse upon all who would not credit his altitudinous estimate of himself. He can not ever again expect any concession from the people while in public life. They consider this estimate of integrity, truth and patriotism a menace to morality—especially because of its influence upon boys and young men. They want him out of the Senate as one who morally misrepresents this people. If he will not resign, the chances are they will, if it be possible, bring him before the Senate of the United States upon charges, and force him into private life. This prediction is based upon the fact that we do not believe there will be a corporal's guard of Bailey henchmen in the next Legislature. The people were outraged by them and the people know it. While in public life as an official Bailey and his co-workers are justly subject to fair criticism, whether that criticism touch their private or public lives. On the other hand, when he or they abuse a private citizen they descend below the level of official dignity—and especially below the code that should govern the conduct of a Senator.

The facts justify, we think, much harsher statements than herein made. We try to make them mild as possible. It is lamentable that what is said is justified by facts. Public estimate reached down and pulled Bailey from a low to a high plane. Nothing gives the people more gratification than to do this when men deserve it. Nothing can so wound public sentiment as to have one whom the people have placed upon such an eminence voluntarily cast himself again to the bottom.

WACO CONFERENCE SOUNDED THE DOOM OF BAILEYISM IN TEXAS.

By Frank Putnam.

Waco, Texas, March 7, 1908.

The Waco convention was an uprising of the plain people of Texas against the arrogant and disgraceful dictatorship of Senator Joseph Weldon Bailey and his oil trust allies.

In its purpose, its personnel and its spirit it was without a known precedent in the political annals of Texas or any other American State.

As far as I am able to learn, it was the first time in the history of this country

that strong, sober, conservative men to the number of many hundreds, representing an undoubted majority—and a big majority—of the voters of a dominant party, assembled with the set and solemn purpose to denounce a senator of the United States and to declare an end of his mastery of the party.

In the Waco auditorium, where James Stephen Hogg uttered the first and most fiery denunciation of the junior senator in a dramatic climax declared that he "hoped to God the day would never come when a senator of Texas would stoop so low as to take a fee from a corporation," the political doom of Joseph Weldon Bailey was spoken to day by men that meant every word of what they said, and that have behind them the power to make good their words.

This convention of the plain people served notice that hereafter for a time the servants of the democratic party in Texas must play the role of servant and not that of master. It passed by the state and federal office holders in nominating delegates at large to the national convention of the democratic party, and it named for those honors four unofficial leaders of the people's movement for political freedom in Texas.

The convention put it up to Senator Bailey either to follow the example of Senator Culberson and Governor Campbell in quietly withdrawing his claim upon the honor of being chosen a delegate at large, or to stand before an outraged state upon the naked record of his gross betrayal.

If he withdraws, he will in that act confess defeat; if he does not withdraw, he will be beaten as never man was beaten in Texas before.

The convention endorsed the magnificent record of Attorney General Davidson in prosecuting the law breaking trust that Senator Bailey served. It praised Governor Campbell and Senator Culberson for declining to stand for election as delegates to the national convention. It endorsed William J. Bryan for president in terms of highest praise, and it named for presidential electors two of the grand old men of the state—Roger Q. Mills and A. W. Terrell.

I have heard much of the "fighting force that backs Bailey." I venture the assertion that he has not in his mercenary train any group of men that can stand out against the pure and impassioned patriotic oratory of the men that spoke the sentiments of this convention—against Gerald, Crane, Cocke, Thomas, Crawford, Johnson, Owsley, Senter and Mayfield. Because these men are fighting not for hire but for the honor of their state and nation. Their interest springs not from their pockets but from their hearts.

If the Bailey-Standard Oil forces have any last lingering doubt about the sincerity and the strength of this uprising of the people against their corrupt and tyrannous rule, that doubt will vanish when they hear how this convention pledged within twenty minutes more than \$5,000 to begin the campaign for public honor in Texas; and how county after county promised more if more shall be needed.

I wish to record the prediction, here and now, that if Senator Bailey dares to come before the people of Texas as a candidate for election as delegate at large to the national convention, he will be beaten in every Texas county.

The story of the convention is related elsewhere in this paper. The proceedings will become historic. The work here begun will not stop until Joseph Weldon Bailey has been replaced in the senate of the United States by a man whom Texas can claim without humility, nor until the corporations have been placed in a relation to the state in which they shall be the servants and not the masters of the people.

Since I saw him challenge and give battle to the mighty senator at Austin last winter, I have had an especially warm spot in my heart for William A. Cocke of San Antonio—the chapparal gamecock—and it did me good, a world of good, when, in response to repeated calls from the floor of the convention, he came forward, shy as a girl and flaming with the fierce spirit of the patriot, and received from that splendid gathering of true Texans the longest, heartiest greeting accorded to any man there present.

It was good to hear Colonel Crawford, that fine figure of the old-time Southerner, launch his fierce denunciation of the man whose name was on every lip, and was nowhere uttered save in mingled wrath and shame.

It will be noticed that the convention did not indorse the administration of Governor Thomas Mitchell Campbell. This may seem to some a strange omission. I do not know that it was an intentional omission, but when I recall in fact that Governor Thomas Mitchell Campbell has not at any time, or in any way, directly or openly indorsed the avowed purpose for which the convention was called, it seems to me that the score between the governor and the convention is even and quits.

WACO GATHERING WITHOUT A PARALLEL IN TEXAS HISTORY.

UNIQUE CONFERENCE IN RESPONSE TO AN AWAKENED PUBLIC CONSCIENCE IS
SIGNIFICANT OF HIGHER STANDARDS FOR THE FUTURE.

By B. H. Carroll, Jr.

Waco, Texas, March 7, 1908.

Once in France, the men of the South advanced on Paris, singing the Marseilles, "Ye Sons of France, Awake, Arise." They followed no special leader, they had no conscious definite object, but were driven by the instinctive impulses of insurgent liberty, awake in their bosoms, and the tread of their oncoming feet shook thrones and marked the beginning of the end of kingdoms and of kings.

Today in Waco there met a gathering of men pouring from the South and from all points of the compass, their hearts singing bugle music of awakening and freedom, and their coming and their words stirred Texas as the coming of the men of Marseilles stirred France. They came shouting the shibboleth: "Honor is better than Gold."

So strange a gathering has never been known in the political history of the state. Men have gathered in great assemblies in their state following the dipping plumes of some trusted leader. Men have en masse forsaken great assemblages, shouting a different slogan from that of their comrades left behind and following the nodding plumes of the casque of another leader. Men have formed great political machines, organized county by county, city by city, precinct by precinct, in order to secure for some leader some great office like that of governor of the state, with its powers of patronage and appointment, or that of senator with its wealth of influence and its distributive gifts. But this gathering is not of that character.

No swollen campaign funds pay the expenses of propaganda. No hope of office or anticipations of dispensed patronage warms the zeal or kindles the enthusiasm of these messengers. They are gathered to select delegates at large to fill a transient, non-lucrative and honorary office, whose functions will be discharged in a few brief days and whose incumbency will carry with it no emoluments of power and no means of adding a dollar to the wealth of the delegates or of those who sent them.

Perhaps no 50 men in the vast numbers of those here have the same list of nominees for this honorary office. The delegates are here at their own expense. They are not here in deference to the wishes of acknowledged leaders. No man and no group of men dominates this convention. It is a marvel. It is a gathering utterly unique, without a pattern or parallel.

"What caused this gathering?" There is only one answer, the Public Conscience. That conscience has acted on the patriotic pride of Texas citizens. That conscience and that pride have caused them to remember that their representatives in congress and in the senate were once all men of honor and devotion to the public weal. The state's representatives have gone to the nation's legislative halls poor. They have usually returned poorer. Its senators have not regarded the senate as a millionaire club to which they must qualify by accumulated wealth in order to take rank and have standing, but rather have preferred to regard it as the highest lawgiving body in the world.

Because this office to be filled is one of honor, this assemblage is gathered. There are 10,000 democrats in the state from whom four men could be selected, and with any four of the 10,000 these delegates would be content. They only state that there is one name in all the state that must not be on that list. The man that bears it

wears a toga, but the men here say that cruel-souled Richard Gloster wore a royal robe.

The name that is tabooed is that of a man who will for six years sit in the highest council chamber in the world, but he will sit there grouped in the public mind with Platt and Depew and the exposed hireling of gigantic trusts, but when brave men are gathered at the great democratic nominating convention, these Texans do not want that burly form, unctions with the drippings of despoiling corporations, thrust in the ranks of those who will lift the banner of the state and carry it in triumph to plant it about the figure of the great Nebraskan.

When the great democratic cry of justice against the pillaging robber barons of the trusts rings in the ears of the nation, they do not want its mouthpiece to be the corporation attorney of the most iniquitous of these trusts, lest they be put to open shame, and the nation mock them and their pretensions.

These men are Protestants.

Not such as met at Spires to fight the imposition of a tax, but they are protestants in behalf of a polluted patriotism, gathered to protest against being represented in the assembly that voices the hope of the common people of the nation, by a man with unclean hands and itching palm and grasping fingers, lest across their unsullied banner there be left a smear of meal and oil and lest the voters sneer: "The hand is indeed the hand of Esau, but the voice is the voice of Jacob."

Practiced politicians, brought up in another generation, before the conscience of the public awakened, and in a generation that was accustomed to acquiesce, with either a smile or a tear, in the cynical dogma that, "Purity in politics is an iridescent dream," such men may indeed regard the assemblage here with wonder and call its objects Quixotic. But the wise men, and the young men, have noted in the heavens the signs of the times, and know that democracy must cease to exist when its chosen leaders in office represent any other client than the people.

CRISP CONVENTION SENTIMENTS.

Auditorium Motto: "We will down Bailey or go to the Gulf."

Oil can placarded as follows: "Shall this or the people rule?"

Mottoes from the Houston Special train: "We oppose turning influence into affluence. Elect Davidson and Bust the Trusts."

By Judge Gerald: "If Baileyism prevails, in five years you can not elect an honest man to office."

By Cullen F. Thomas: "Whoever you may send to Denver, elect no man who makes a letter of introduction from a friend a letter of credit to an enemy."

By George W. Riddle: "No country can ever be great, nor its people prosper when fraud and deceit are permitted to go unnoticed and unchecked."

By T. S. Henderson: "We have no spirit of intolerance, we have no enmities, we have no hates, we have no enemies except the enemies of Texas."

By W. L. Crawford: "We are not willing to see vast temples raised by predatory wealth, if in the shadow of these temples wretched humanity grieves and grovels."

By E. B. Mayfield: "I said at the time that if my picture hung in his home it would hang in a rogue's gallery. The man who dishonors Texas dishonors her illustrious dead."

By W. A. Cocke: "Democracy stands for the rule of the masses, Baileyism stands for graft by the bosses."

By M. M. Crane: "If a man does not intend to serve two masters he ought not to take the pay of but one."

From the resolutions: "The practices of Senator J. W. Bailey as disclosed by the legislative investigation and in the main confessed by him are indefensible, they are in violation of democratic principles and usages, destructive of the public service and an offense against the rights of the people."

MEETING OF THE BAILEYITES AT FT. WORTH, MARCH 28, 1908.**Texas Farmer:**

Last Saturday the Baileyachers had their convention at Fort Worth. There were present, according to liberal estimates 6,600 people. The Baileyites had made the railroads believe there would be at least 20,000, with probabilities favoring 30,000. The railroads "fixed" for the big numbers and were disappointed. The convention calculation will no doubt be much like the calculations they are making as to the vote the Baileyism ticket will receive in the primary; that is, it will get perhaps about one-fifth of the vote they claim.

The proceedings were characteristic. Not a single issue as raised by the people was met. Hon. Cone Johnson of course received much abusive attention. He ought to be proud of it. To have received praise from a single man who made a speech would have created a public suspicion that he was a crook, politically and commercially. That crowd were there whooping in praise of both political and commercial crookedness.

Yet some may have been conscientious; may have honestly believed all the falsehoods they told and heard. The Good Book tells us of conditions under which men "believe a lie rather than the truth," and the application in this case is exceedingly striking.

One thing is certain, however; whether the speech-makers and approving listeners were governed by malice or honesty, it is a great pity some method can not be conceived to debar them from ever serving upon a jury. They either favor political and commercial corruption or have not sense enough to draw a correct conclusion when the evidence is most palpable. How can men, even of only ordinary mentality escape the conclusion that a man who indorses Baileyism must be either a fool or a fraud; that any man who believes the people in primary will indorse Baileyism denounces them as either fools or frauds?

Bailey had the nerve to claim, and his organs claim, that he refuted every proposition laid down. He segregated a statement made by Johnson as to Bailey's divesaloon speech abusive of the Legislature and assumed that it criticised his speech when he was nominated. Then he referred to a statement by Mr. Johnson as to Hon. Cullen Thomas, assumed that he had refuted both and told "my countrymen" that it would be just as easy to prove all other statements of Mr. Johnson as false, and did not even attempt to answer further.

He did not discuss the moral right of a Senator to take clientage from public service corporations.

When the vouchers were first discovered he denied that he had ever drawn a draft on the Waters-Pierce Oil Co. and denounced them as forgeries. It was plain to everybody then that he was practicing gross deception, because his drafts were in reality upon the Waters-Pierce Oil Company, although direct upon Pierce. When the controversy first opened, he said that he had not taken fees for his work. Afterwards he admitted that he had.

BAILEY CONVICTS HIMSELF.

His own evidence convicts him of having received \$7,500 from the Standard Oil Company for two "attorney's" fees, neither of which was worth over \$25—the palpable reason being that they were seeking ways to pay him for influence and not attorney's fees.

It is known that he had a deal with Harriman under which if Harriman confirms an option held, Bailey in July will receive a "fee" (?) of several hundred thousand dollars. Just about the time the campaign will be interesting. Bailey will be "influenced" in politics by what Harriman pays or does not pay. Who can doubt this?

Here is a Senator who has received thousands from public service corporations, from heads and members of trusts, a Senator who was overwhelmingly in debt by his own mismanagement and improvidence; hopelessly bankrupt. He makes hundreds of

thousands of dollars by sale of his influence—palpably proven by unquestioned evidence and by his own evidence; pays himself out of debt with enough over to be classed as a millionaire! Yet he has the assurance to tell us that he could not be “influenced” by trusts in legislative matters. He has two clients—the people and the trusts. He must be unfaithful to one or the other because their interests are antagonistic. Which will it be? In either case he must be a traitor. Will he go to the people that pay him most or least?

Only a small part of his imputed wealth has been “spotted” as to whence it came. He had nothing to start on. Where did he get it? He will not tell.

When whitewashed by a gang of gulled boys in the 27th Legislature he told them that he laid bare his private affairs—everything connected with the Waters-Pierce Oil Co. Yet it was several years after that the “boys” found out he then had thousands in his pockets that were really fees from the Waters-Pierce Oil Co. (Standard).

Yet in no speech or letter has he ever defended his malodorous transactions. His supporters do not defend them.

The only defense put up is that he's the nominee. That people who go back on the nominee are not Democrats!

DEMOCRACY.

Oh, yes! take a man into the church or a fraternal order, then find out he is a lecherous dog or a common thief—yet you must keep him!

Employ a clerk who is highly recommended, and he robs you. Yet you must keep him!

Consent to betrothal of a daughter to one who has a spotless reputation. Before the nuptial day you find he's a forger, a thief, or a murderer. Yet you must not cancel the engagement!

That's the argument of Bailey and his baileyachers. The convention agreed that he should wed Miss Democracy when the Legislature met. In the mean time all this malodorous procedure comes to light—in which hissing, seething corruption is as plain as the noonday sun. Yet Miss Democracy, the fair goddess of the people, must be immolated upon this altar of graft, graft, greed and putrescence!

When patriotism protests against the outrage, they coat their lips a foot thick with falsehood by charging that malevolence, envy, hate, inspires the protest. Thousands of good and reputable citizens of all classes, hating maliciously a poor erring thing like Bailey! At Fort Worth one poor fool even went down into the grave of Jot Gunter and flashed over the wire the lie that on his deathbed Jot Gunter indorsed all of Bailey's acts. That would mean that “old Jot” is now in hell—and any man who knew him knows that is not true.

Who believes the people in the primary will join themselves to the gang of bragging, bullying, falsifying grafters who are trying to build up this machine?

THIS REPORT IS NOT FLATTERING.

Reply sent to Bailey Headquarters from West Texas.

From The Author's Boyhood Home.

That the Bailey campaign committee, with Fort Worth headquarters, is liberally supplied with cash, is indicated by the house to house canvass which is being made in all parts of Texas. As indicating this fact The Chronicle has received the attached Bailey campaign blank. The blank was filled out by the gentleman whose name is signed to it, and he declares that the answers given to the questions are accurate, in his opinion. The answers are given in *italic*.

Fort Worth, Texas, April 7, 1908.

DEAR SIR: Please fill and forward at once the blank below:

Note that we send you three copies of this sheet. Kindly use the second for another report on the 15th, and the third for another on the 22d.

BAILEY CAMPAIGN COMMITTEE,

J. A. WORSHAM, *Secretary*.

County or counties covered in this report: *Bandera, Kerr, Kimball, Kendall, Edwards.*

Is the Bailey cause gaining or losing? *Already lost.*

What causes the change? *Bailey.*

Are our friends well organized? *There are not enough to organize.*

Is the opposition well organized? *Doesn't need organizing.*

What is most needed right now to promote the Baily cause? *Dough.*

If the election were held today, how would it go, and by what majority? *Anti-Bailey by a whole lot.*

Have you been supplied with Bailey literature? If not, how many copies of our campaign sheet can you use to advantage at once? *Don't need any; we are already disgusted.*

Signature.

J. D. EVANS.

Postoffice.

Center Point.

Dated, April 8, 1908.

Centre Point, Texas, is a town 60 miles northwest of San Antonio, near which Wm. A. Cocke was raised. It is in the beautiful hill-country of Kerr County, nestled among the hills that enclose the charming Guadalupe Valley of Western Texas.

CHAPTER XLV.

PRESS COMMENT FROM OTHER STATES, INCLUDING:

- a. The Aldrich Bill.—The Commoner.
- b. The Whitewash of Joe Bailey.—The Semi-Weekly Leader (Mississippi).
- c. Mr. Bailey, American Honor and American Money.—New York American and Journal.
- d. Country Above Party.—William J. Bryan.
- e. Senator Bailey's Victory.—Monterey News.
- f. Bailey's reelection.—Memphis Commercial Appeal.
- g. Bailey of Texas.—Philadelphia Record.
- h. Bryan Replies to Bailey.—The Commoner.
- i. From Bailey's Native State.—Brookhaven News.
- j. Bailey's Misguided Friends.—Atlanta (Georgia) Journal.
- k. Bailey's Exoneration.—Richmond Times Dispatch.
- l. Revolt against the Machine.—The Lowell Courier.
- m. Bryan's View of a "Vindication."—The Commoner.
- n. Bailey on the Wane.—Saturday Evening Post.
- o. Pierce and Bailey in Stripes.—The American Republic.
- p. The reach of Senator Bailey.—St. Louis Post Dispatch.
- q. Texas' Shame is a Nation's Disgrace.—The American Republic.
- r. Senator Bailey on Trial.—Boston Evening Transcript.
- s. The Tainted Senator and His Smirched Toga.—Ridgway's Magazine.
- t. Press Comments from Everywhere.

The Commoner (1903).

The Aldrich Bill— * * * The objections originally against this bill arranged themselves under four heads. The first objection was very forcefully stated by Senator Blackburn in reply to Senator Bailey. The Senator from Texas made a speech in favor of the Aldrich bill. He said * * * "I would prefer to have stricken out the provision for interest * * *." These quotations are made to show Mr. Bailey's attitude upon the subject and to give a better understanding of Mr. Blackburn's answer. The readers of the Congressional Record will be impressed with the feeling that Mr. Bailey's argument lacks the force and logic that usually characterizes his speeches. [Why? No wonder; S. G. Bayne and his \$5,000 Standard Oil fee dampened his usual ardor.] Mr. Blackburn in making his reply was frequently interrupted by Mr. Aldrich [Oil-rich] and Mr. Stewart and other Republicans [whom Bailey was aiding in this matter] but he held his ground against them and showed how well one is armed who used the right side of the question.

The second objection to the Aldrich bill is that the loan of the money gives to the banker a pecuniary interest in keeping the taxes high and the surplus large. As long as they can collect money from the people and then get the money at a low rate of interest [Bailey did not want to charge them any interest at all in his zeal for this Standard Oil measure] their influence will be turned upon the side of high taxes and large surplus.

The third objection is to be found in the fact that the administration, if allowed to loan out government money at a low rate, will be able to lay the foundation for an enormous campaign fund. * * * The fourth objection to the bill is to be found in the fact that the government would become a partner in the stock jobbing transactions of Wall street. * * *

A careful inspection of the Aldrich bill and a consideration of the arguments made for and against it ought to convince any unprejudiced mind that the republican

party is in the clutch of Wall street and is making the Federal treasury merely a business asset of the New York financiers. [And yet Mr. Bailey claims that his Congressional record is as spotless as a good woman's name. This was just about the time S. G. Bayne, president of the Seaboard National Bank, a Standard Oil institution, paid Mr. Bailey \$5,000 for writing (?) the Security Oil Company charter.]

Nashville American.

Joe Bailey is just as good now as he was when being mentioned as a desirable presidential nominee—it is the estimation of the people that has changed since they heard things. * * * Not that Culberson has grown, but Bailey has "shrunk up."

The following editorial from the Brookhaven Leader, a Democratic paper of high standing published near Mr. Bailey's boyhood home, in Mississippi, is a fair specimen of outside Democratic sentiment on "The Shame of Texas."

THE WHITEWASHING OF JOE BAILEY.

The Semi-Weekly Leader (Mississippi):

It is doubtful if a more transparent, shameless and disgusting farce was ever enacted before the public under the guise of a serious and honest proceeding than the recent alleged Bailey investigation by the Texas Legislature. There were a number of unique features about this Texas senatorial succession and so-called Bailey investigation that it is to be hoped could not possibly have occurred in any other Southern State but Texas, and not even there except under the peculiar combination of circumstances which conspired to bring them about.

First, it is the only case on record of which we have any recollection where the official and personal integrity of a United States Senator distinguished political leader—a popular idol—was so compromised, by startling revelations and his own admission after his almost unanimous renomination to succeed himself, that he considered it necessary to desert his seat in Congress for the entire short term, go to his State capital, rally his personal friends and partisans about him and strain every nerve and invoke every political trick, by-play and subterfuge that would serve him to prevent his official repudiation by the representatives of his own party, who, unfortunately for the course of honest politics, were under double instruction to vote for him when the Legislature convened.

Second, it is the only case on record that we know anything about where a majority of the legislature, under the lash of a merciless party machine and at the arrogant behest of a man under disgraceful charges, pusillanimously voted to re-elect him to the Senate regardless of these charges, and then, to palliate their moral and political cowardice, resolved to "investigate" as to the truthfulness of the charges.

Pontius Pilate, when he had out-raged his conscience, played false to a solemn official obligation and delivered the Son of God into the hands of the Jews to be crucified at the behest of a howling mob, hypocritically went through the form of washing his hands as a token of his own innocence of all wrong. Bailey's partisans and slinking dupes in the Texas Legislature, while shirking responsibility and hypocritically washing their hands by taking refuge behind instructions given months before the new situation arose or was thought of, added further to the reproach they had brought upon the fair name of their State and the integrity and good faith of the Democratic party by providing for a sham investigation, carried on under the personal dictation of the man being investigated, and then closing the investigation before it was completed and voting to "exonerate" the accused Senator before the members of the Legislature had the opportunity to read the testimony taken in the case. As a matter of fact, there was not even a single member of the investigating committee of the House and Senate who had been constantly present at all the sessions of the committee, save possibly one, and heard or read all of the testimony before the vote to whitewash was taken. A majority of the Texas Senate actually voted to "exonerate" Bailey and discharge its investigating committee before it was ready to report its findings, and when a majority of the committee were still pleading to be permitted to take the testimony of other important witnesses in order to complete their inquiry.

It seems incredible that a Legislative body, or a committee which had seriously essayed to conduct a full, honest and impartial investigation, and which had any self-respect, would have allowed the man charged with being false to a great public trust to control the investigation, dictate what counsel should represent the people before the committee, interrupt the proceedings by unseemly exhibitions of temper, insult witnesses, answer only such questions as he chose during his own examination, make long self-glorifying stump speeches on the witness stand, then order that the farcial proceedings should come to a close and a report be made by the committee within a given time, before the hearing of some of the most important witnesses had been concluded. Yet, as incredible as it may appear, all this actually occurred, and the man who was elected before the investigation under the circumstances already recited, was "whitewashed" by a vote of 70 to 40 in the House and 15 to 11 in the Senate.

But for the vote and protests of these 40 Representatives and 11 Senators, the shame of Texas and the disgrace of the Democratic party of the Lone Star State would be complete. They were the salt of their party and State, the only silver lining to this dishonoring chapter in Texas history.

MR. BAILEY, AMERICAN HONOR, AND AMERICAN MONEY.

New York American and Journal:

Senator Bailey has gone back to the Senate of the United States, from the State of Texas. That State more boldly than any other has defied the power of the Standard Oil Company. It now sends to Washington as its representative a man that the Standard Oil Company owns, *as this newspaper and many others have proved by documents.*

It is true (and this is some solace for the honor of Texas) that Mr. Bailey does not *really* represent the inhabitants of Texas. He does not even represent the members of the Legislature. For some of these have gone on record denouncing him as a dishonorable man, although compelled to vote for him by their home instructions.

Under what conditions does this man go to represent a great State in the Senate of the United States?

He goes with accusations publicly made, publicly, officially and documentarily sustained, charging him with dishonesty, with acceptance of money from great corporations, with having deceived his State, with having represented in the Senate not the *people*, but organized *capital*.

And he goes *actually promising that he will resign if the charges against him are proved.*

What a picture of republican government! How amazing to see a great and honorable State sending to the Senate a man accused by *responsible* people and *irrefutable* documents of dishonesty; a man who at best can say for himself, 'Send me, and I'll come back, if they prove me to be dishonest!'

Intelligent readers have examined with care the proof that this newspaper has furnished as to the acts of Senator Bailey. We have proved in his *own* handwriting and the handwriting of Standard Oil agents that he was the agent of the Standard Oil's agent. We have shown that money was sent to him, and that he took it. We have published the letters that he thought *would never come to light*, and that have roused his own State to action.

We have printed a fac-simile of his own written request that the money given to him by the Standard Oil's agent be paid in a way to make its course a secret. We have his own confession that this man, representing a great State in the highest legislative body in the world, took money, confessing that he was ashamed of its *origin*, and demanding that the origin be hidden.

In addition to these two charges, and in addition to documents published, there come other attacks originating in his own State, among honorable men that resent the misrepresentation of Texas. Representative W. A. Cocke, on Wednesday, filed with the Texas Legislature additional charges against the shameful Senator. Bailey is accused, names and dates being published, of acting as an agent to collect money from the United States Government while he sat in the *senate* of the Government.

This he is accused of doing not in one case, but as a regular thing.

He is accused of conniving at Washington to multiply enormously the pay of a Government employe. This Government employe was in his debt, *owed him money*. The charge against Bailey is that he had this man put in public office, that he then secured for him an arrangement by which he received payment in fees instead of a small salary, getting a very large income of twenty-five thousand dollars per year. The charge further alleges that Senator Bailey *derived great personal profit from this arrangement, sharing in the increased revenue*, getting his debt out of money that he had taken out of the people because he was a United States Senator.

These things are not pleasant to talk about. It is not pleasant to see a man of Bailey's personal ability, a man whose career might have been as honorable as the State that he represents, thus exposed.

It is not pleasant to realize that behind such pretensions of patriotism, such fine sounding words as Bailey has uttered in the Senate, there is a capacity for meanness that puts him below the half-starved pickpocket in the public streets.

Americans may well be disquieted if they find that organized capital can thus take for itself and use for itself those in whom the people have had confidence.

But the citizen has no right to turn away from the spectacle which Bailey presents. It is not a spectacle of degradation merely; *it is a national problem*. And that problem must be solved. A way must be found to enable the people of the United States to be represented in a legislative body, *acting for them, obeying their orders*, not acting for Trusts.

The great lesson that stands out in this Bailey incident is this: The people must elect their own senators directly. And they must have in their hands not only the power to send men to make their laws, but also the power to recall them. Does any private individual confide to his employes, *irrevocably*, the most vital exercise of power? Would any intelligent man put the absolute welfare of himself and family into the hands of an employe, depriving himself of all possibility of recall in the face of dishonest actions?

Senators' seats are bought. This accusation, coupled with the name of Guggenheim of Colorado, was made publicly on the floor of the Senate within a week by Senator Tillman. It is known, and the Senators in public debate admit it, that men can go to the United States Senate, regardless of the will of the people, *by buying a few miserable legislators for sale to the highest bidder*.

Even now, in New Jersey, the people witness the spectacle of a man seeking for office, seeking for a place in the Senate, while the whole world knows that the problem at stake in *whether or not a sufficient number of legislators can be purchased*.

It would be utterly impossible, of course, to buy the votes of the people necessary in such an election if the people elected Senators.

Ought not the citizens to keep for themselves the power of election? Should they not abandon at once the Archaic, foolish, undemocratic hypocrisy of having so-called "superior men in legislatures" choose Senators for the highest legislative body?

The people must have the power to *elect* the senators. They must have the power to *recall* those that they elect. They must have the protection that comes from absolute, *instantaneous control of their public servants*.

A GREAT DAY FOR BAILEY.

Charleston (S. C.) News-Courier:

"* * * He [Bailey] spoke of Christ losing His temper and scourging the money changers from the temple," and remarked, in passing, "Those Hebrew money changers were angels of light and mercy compared to these devils who have been fighting me."

We wish "Joe" would quit monkeying with the Holy Scriptures. The parallel he attempted to draw was altogether unfortunate and irreverent. The money changers in the Temple would not have budged an inch; indeed thy would have mocked at the Master could they have brought any such railing accusations against Him as appear to have been urged with much effectiveness against the very brilliant Senator from

the State of Texas. "Those Hebrew money changers," of which Mr. Bailey spoke with such indignation, would properly have "stood in" with "Joe" in his recent operations in the State of Texas.

COUNTRY ABOVE PARTY.

By William J. Bryan.

The following is an excerpt from the speech of Mr. Wm. J. Bryan at the Democratic National Convention at St. Louis, in presenting to the Convention as a candidate for the presidency Senator Cockrell of Missouri. The speech is entitled "I Have Kept the Faith," and is found on pages 343-54 of Mr. Bryan's book entitled "Under Other Flags—Travels, Lectures, and Speeches." The extract is copied from pages 346-47:

"As your candidate I tried to defeat the Republican party. I failed, you say. Yes, I failed. I received a million more votes than any democrat had ever received before, and yet I failed. Why did I fail? Because some who had affiliated with the Democratic Party thought my election would be injurious to the country, and they left the party and helped to elect my opponent. That is why I failed. I have no words of criticism for them. I have always believed, I believe tonight, and I shall ever believe, I hope, that a man's duty to his country is higher than his duty to his party. I hope that men of all parties will have the courage to leave their parties when they believe that to stay with their parties would injure their country. The success of our government depends upon the independence and moral courage of its citizens."

SENATOR BAILEY'S "VICTORY."

Monterey (Mexico) News.

Senator Bailey has won; the state of Texas and the democracy of the United States have lost.

That is the meaning of the vote in the joint session of the Texas legislature on Tuesday whereby Joseph W. Bailey was re-elected to be one of the Lone Star State's representatives in the United States Senate. * * *

Mr. Bailey should never have been re-elected. It is a reproach to Texans to return him to the senate. He is typical of a class of officials that need to be rooted out of American public life.

The democratic party, if it is to subserve truly democratic interests, must needs make unrelenting war upon the Bailey stripe of democrat in city, state and nation. He is not a democrat; he is a plutocrat—a politician who prostitutes his official position to enrich himself and the lawless capitalists in the states who have robbed the great mass of the American people. * * *

The re-election of Senator Bailey is a travesty upon popular representative government. It is a triumph of political manipulation, supplemented with subserviency, servility, a perverted moral sense, and a cowardly evasion of responsibility on the part of the members of the Texas legislature that voted to give to Senator Bailey the indorsement of the state of Texas. Every man who so voted should be made to feel that he has degraded the legislative body of which he is a member, disgraced the state of which he is a citizen, and drawn across the face of democracy, whose interests he pretends to serve, a wound which, though it may cicatrize in time, will leave there a scar ineffaceable.

THE SENATE LEADERSHIP.

New Orleans Times-Democrat.

* * * The vindication of Senator Bailey must come through disproving the charges against him, and not by the vote of a body which has not investigated those charges. * * *

Let Senator Bailey vindicate his good name before he allows his friends to talk about advancing him to the leadership of a party in the greatest legislative body in the world—a position which should be held by a man absolutely beyond suspicion.

BAILEY'S RE-ELECTION.

Memphis (Tenn.) Commercial-Appeal.

We may not have the ointment without the accompanying annoyance of the buzzing of the disagreeable insects; and we may not enjoy the development and aggrandizement of the South without the introduction of some one or more of the obnoxious influences that travel in the wake of wealth and its production. Always there is a spider ready to drop into the cup of expectation ere it can be converted into a dish of reality. Always there is a Joe Bailey to flounder in the pail when the milking begins to attain the satisfactory degree of richness; so that the upshot of it all is that we may not change one condition for what appears to be a better, without bringing into existence the accompanying pest of the fancied betterment.

The South has been poor, but honorable. It has been quite without federal political influence; but also free from the evils of political grafting among its representatives and senators. The standard of representative honor and honesty in the South has been as high as its comparative poverty in the past has been great. But of late prosperity has been pouring into the South, and only yesterday, as it were, with the full cup of wealth ready to empty itself upon the land, there is a splash in the ointment, and Joseph W. Bailey of Texas lies there, the sprawled spider, wriggling in the cup.

BAILEY OF TEXAS.

Philadelphia Record.

Joseph W. Bailey goes back to the senate with his pockets bulging with retainers from the president of an oil company, and will continue for the next six years to represent the most implacable foe of trusts, and especially oil trusts—the great, glorious and indivisible state of Texas.

To persons unlearned in the law there is a trifling incongruity here, but if you know enough law the whole thing is perfectly transparent. The president of a trust is a natural person, and Texas loves natural persons; it loves to send them to the senate; there was never a more natural person than Senator Bailey, who denounces the trusts that his constituents loathe, and serves the president of a trust in consideration of big money. But a trust is an artificial person, created by a state—after New Jersey. Texas abominates unnatural or artificial persons. Therefore, the pathway of the senator is perfectly straight, and he traveled it triumphantly back to the United States senate.

Under no circumstances would he serve a trust. Not all the wealth of the Standard Oil would seduce him from the path of Texan rectitude. But there is no reason why he should not be Mr. Rockefeller's attorney, or the attorney of any officer of an oil company. The theologians are skilled in explaining how hatred of sin may co-exist with love of the sinner, and that is just the way the Texas legislature feels about it—it hates the trusts, but it loves Bailey.

The dispatch announcing the re-election of the Senator also informs us that the special investigating committee of the legislature is considering the evidence against the senator. It had better drop the case. It has no jurisdiction. The legislature has taken the case out of its hands.

MR. BAILEY RE-ELECTED SENATOR.

Mobile (Ala.) Register.

Senator Bailey has received an indorsement by the Texas legislature, without a vindication, for the investigation of the charges against him is still in progress in the special committee of both houses.

BRYAN REPLIES TO BAILEY.

The Commoner.

In a speech delivered at Austin, Texas, January 27, 1907, Senator Bailey—as reported in the *Houston Post*—said:

"We made one mistake in 1896. I did not help to make it myself. I did not make a calamity campaign, and I hope we will never have another one. Let us make

our campaign on governmental principles, because thus only can we fulfill the expectations of the people. If we make a campaign upon the success of the season of the abundance of the crops, then if the seasons fail or the crops diminish we cannot fulfill the expectations of the people. Let us have the courage and the intelligence to stand and tell that all the government can do is to make them just and wise and equal laws. Let us pledge them that the democratic party will do that and leave all else of the salvation of the people to themselves."

If Senator Bailey doesn't make any more mistakes than the democratic party made in 1896 he will have made a fine record for sagacity. The Texas senator's description of the 1896 campaign is by no means fair. Indeed it sounds very much like a republican editorial.

The democrats did not make it "a calamity" campaign; they did not make it "a campaign upon the success or upon the failure of the seasons." They did have the courage and the intelligence to stand for the public interests and to make clear and explicit pledges of what they would do in the event they were entrusted with power.

The day has gone by when the splendid attitude taken and the good work performed by the democratic party in 1896 can be estimated by a sneer, and in proof of this we need but to cite the well established fact that the radicalism of 1896 has become the conservatism of 1907; that the Chicago platform, denounced and laughed at by many, has so grown in favor that a republican president has won his greatest popularity by the adoption of the principles and policies described in that platform. The spirit of that platform has steadily grown in favor with the American people, who, in the opinion of many well informed men throughout the country, are prepared to entrust the democratic party with power whenever the party shall show a willingness to deal frankly with the people and a determination to cut itself loose from all entangling alliances with special interests—from the entangling alliances of a corporation contribution to campaign funds; the entangling alliance of a committee organization composed of men more concerned in the welfare of the trusts than in the public interests; and from the entangling alliance of candidates, who keep the word of promise to the ear only to break it in action.

FROM BAILEY'S NATIVE STATE.

Brookhaven (Miss.) News.

The Bailey investigating committee of the Texas legislature is quite beneath contempt by the way it allows Bailey and his lawyers to domineer and dictate its proceedings. A decent regard for its own dignity and self-respect, to say nothing of what it owes the people of Texas and the democratic party at large should command a fairer and more independent course of action. Enough has been developed before this pliable committee by Bailey's own friends to prove that he disgraces the seat he holds.

Bailey has been proved to be in politics what Benedict Arnold was in war—a traitor to his people and party. Whether he resigns or not, he will hereafter be known as the traitor senator from Texas, who sold the people of his state for a mess of Standard Oil pottage.

Lawrence County (Miss.) Press.

No formal charge has been made against the Texas legislature for electing Bailey to the United States Senate, but there is no need of it—the body stands convicted without a trial. As for Bailey, he convicts himself by his own words. He uses bluster for the public, but in dealing with the legislature, he brings into play such persuasive methods as has always been adopted by the Standard Oil Company, and with infinite success.

BAILEY'S MISGUIDED FRIENDS.

Atlanta (Ga.) Journal.

* * * To the average disinterested observer there yet remains a great deal which demands an explanation.

But whatever may be the facts in that connection, it is undoubtedly true that this

snap-judgment—this dismissal of the committee without so much as waiting for a report—will be looked upon throughout the whole country as a whitewash. There is no other way in which it reasonably can be construed.

Mr. Bailey's friends have given aid and comfort to his enemies.

In existing circumstances it would not be surprising if the senate of the United States should see fit, either now or hereafter, to take up this matter and conduct a more thorough and persistent investigation. If Senator Bailey is innocent of the charges brought against him he should have demanded a thorough investigation and a report from the investigating committee.

THE BAILEY INVESTIGATION ENDS.

New Orleans Times-Democrat.

* * * If ever a supposedly dignified senator breathed fire and fury, hate, ob-jurgations and threats and, in general, comported himself in a most unbecoming manner verbally, Senator Bailey did it. His speech reminds us of the political polemics of Central American statesmen, who frequently accuse each other of all the crimes in the catalogue, commencing with poisoning.

A NEW TEXAS STAR.

New Orleans Times-Democrat.

Senator Bailey's speech before the Texas legislature would indicate that he intends to assume the role of the Lone Star on the Texas political stage.

ONLY ONCE BEFORE.

Springfield Republican.

Having been through the mill, Senator Bailey may be accepted as an authority in saying that only once before in the history of the South has the conduct of one of its United States senators been investigated by a state legislature. And on that previous occasion, he was the man.

BAILEY'S EXONERATION.

Richmond Times-Dispatch.

After an investigation lasting several weeks, the Texas legislature has exonerated Bailey.

The verdict was a foregone conclusion, and recalls a story which Mark Twain tells of a Western justice of the peace. After hearing the evidence and argument in a case which had come before him for trial, the justice of the peace made the following announcement: "This is such a complicated case that the court will take a week to consider before rendering a decision, but will eventually decide in favor of the plaintiff."

The Bailey verdict was written in advance of the trial; but such a verdict of acquittal is not always an exoneration in the estimate of the public.

NERVE STILL INTACT.

Chicago Tribune.

Senator Bailey has suffered no shrinkage in his nerve department. He insists on being re-elected to the leadership of the minority in the senate.

REVOLT AGAINST THE MACHINE.

Lowell Courier.

People are tired of the machinists whose only love for party is based on what there is in it for them. It has taken a good deal of kicking to get the idea into their noodles, and it may well be that they do not yet realize that times have changed. But it is a fact that they have changed and very decidedly, too. It is no longer sufficient that a man comes before the public duly authenticated as a party candidate, approved by the party's esoteric dictators. He has got to be more than that, and the sooner the

party dictators realize that fact, the sooner will they profit the party, however it may be with themselves.

We had sunk into a lethargic state, wherein we either did not realize or did not care what incidental emolument politicians might reap from the state—and it took a sort of political earthquake to awaken us.

THE BAILEY TRUST.

Wilmington (Del.) News.

Texas now has a law that is expected to strangle the theatrical trust so far as that state is concerned. If there is any one thing that Texas hates it is a trust. But Senator Bailey's trust is unbroken. He has just finished one term in the senate, is to begin another as soon as he is sworn in, and he has declared that he expects to succeed himself in 1913. By that time perhaps the Texas legislature may be able to pass an anti-Bailey trust act.

BRYAN'S VIEW OF A "VINDICATION."

It has remained for the Commoner, edited by the Hon. W. J. Bryan, to properly define the meaning of the term "vindication." Mr. Bryan's visits to Texas this week for the purpose of addressing the legislature makes his editorial definition of "vindication" of especial interest. Here it is from the Commoner:

SETTLED.

"Liar!" hissed the public official when confronted by the charge of graft.

"Liar-r-r-r!" he hissed some more.

"Whereupon his personal organs claimed a vindication and declared that the incident was closed.

Readers of the Chronicle are left to find the application. Surely the Commoner has no reference to anything that has recently happened in this part of the world.

Vicksburg Herald.

When a sub-committee was appointed to go to St. Louis to take the deposition of his friend, and client, H. C. Pierce, it was announced that Bailey would go with them. That is, he did not dare to let Pierce testify of their many oily transactions without he was present.

Brookhaven (Miss.) Semi-Weekly Leader.

The Texas Legislature has invited W. J. Bryan to visit Austin and deliver an address. After re-electing Joe Bailey to the Senate before investigating the grave charges against him, the Texas legislature should thoroughly fumigate before expecting a pure and high-minded statesman like Mr. Bryan to condescend to be their guest and address them.

BAILEY ON THE WANE.

Saturday Evening Post.

There was a time when Senator Bailey of Texas was the reputed foe of evening clothes. He said he wouldn't wear 'em, but that was long ago. He wears them now, and is as faultless a figure in them as you can find in this city of well-dressed folks. That evening clothes story about Bailey was a good deal of a myth, I am told, but it struck to him for years, even after he had provided himself with all the togs required by the conventionalities. Bailey has not done much this year. He has sat gloomily, listening most of his time, occasionally entering the debate, but not often.

There was an affecting scene in the senate a short time ago. Senator Culberson, also of Texas, democratic leader, and Bailey's most cordial enemy, arose in his place and announced the appointment of his colleague, Senator Bailey, to the chairmanship of the committee on the disposition of useless papers in the executive departments. You would think, to hear Culberson say it, that he was conferring on his colleague a boon of priceless worth; and he was doing something, at that, for the chairmanship gives Bailey a committee room for an office, which he has not had heretofore. Still, every-

body chuckled at the thought of Bailey, the great constitutional authority, sitting at the head of a committee on useless documents—that is, everybody but Bailey. He bowed gravely to Culberson, showing that he has a sense of humor, no matter what he was thinking of Culberson at the time.

BAILEYISM AND PROHIBITION.

(Farmersville Times).

The morality of the anti-Baileyism question differentiates itself from that of the prohibition question in that the former has respect to honesty while the latter pertains to sobriety. To be strictly consistent one should favor both if he favors either, but unfortunately the moral nature does not reside consistently alike in every human being—there being some who are devoted to sober morality, but indifferent about honest morality, and vice versa; some who staunchly believe in honest morality, but are indifferent as to sober morality. Thus we find the clergy almost solidly arrayed against the saloon to produce a soberer citizenship, but there is a great and sad difference among this high profession when it comes to the question of anti-Baileyism to produce a more honest statesmanship. If a sober citizenship is a moral good to be desired, is not an honest statesmanship a moral good to be equally desired? Then why an unceasing devotion to the one and an utter indifference to the other? Is the love of money—that disregards the manner of its getting—such a powerful root of evil that even the Christian ministry of this nation is tainted with its filthiness?

BAILEY AND CULBERSON.

(Saturday Evening Post.)

Senator Bailey was not in the senate much during the session that ended last March. He had urgent business at home, where some utterly irresponsible persons, as he pointed out, were digging up documents and things. The exasperating incidents took Bailey's mind from his senatorial duties. Had he been free from such petty annoyances, it is likely that he would have taken the minority leadership this year, if he could have obtained it, which he could not. At any rate, he would have endeavored to dissuade the minority from giving the honor to Senator Culberson, there being between Bailey and Culberson a I-hope-you-choke feeling.

H. CLAY PIERCE WILL PROBABLY WEAR STRIPES; THEY WOULD LOOK GOOD ON BAILEY, TOO.

The American Republic.

H. Clay Pierce of the Waters-Pierce Oil Company branch of the Standard Oil Company, has been indicted for perjury by a Texas grand jury. The indictment is based on evidence of Pierce as to The Standard Oil Company's business conduct in Texas. The Standard Oil Company is the Waters-Pierce Oil Company under a different name. This concern was Senator Bailey's client. Pierce and Bailey undertook to over-ride the laws of Texas so that the Waters-Pierce Oil Company could do business in Texas in defiance of the Anti-Trust Laws. Bailey was well paid but disgraced politically. Pierce now stands charged with perjury.

Bailey, if evidence can be believed, is a political prostitute. Pierce, if the indictment be true, is a perjurer. Bailey is a fair representative of the corruption in the United States senate; Pierce in the business world.

The Waters Pierce Company was operated from St. Louis, but was directed from the back door office of the Standard Oil Company in New York. This was done so that the mail would not disclose that they were one and the same. The address of the Standard Oil Company was the front door—the mail of the Waters-Pierce Oil Company came in at the back door.

This is what the sworn evidence disclosed during the investigation of Bailey by the Texas legislature, yet he was returned to the Senate. The Railroads and corporations are powerful in Texas. They control the Democratic party there just as

they control the Republican party in Pennsylvania. And hence Bailey was returned to the Senate. But Pierce is now a fugitive from justice.

The Governor of Texas has made all the necessary legal demands on the Governor of Missouri for Pierce. And the honest and brave young Governor of Missouri has honored the legal demands of the patriotic Governor of Texas. However, Pierce is now in New York and cannot return to Missouri. * * * It seems that the law will finally be vindicated and stripes will be placed upon the plunderers of the people.

Geo. W. Perkins, partner of Pierpont Morgan, is now indicted in New York for his connection with the great Insurance Companies and is in Europe to keep out of the jurisdiction of the courts. Jno. D. Rockefeller stands indicted as a criminal in Ohio. The Vice-President of the Mutual Reserve Life Insurance Company of New York has been recently convicted and sentenced for a term of two years at Sing Sing. His brother, who is President of the same company is now indicted in New York and must soon stand trial. And thus the good work continues.

The people are determined to enforce the law and place stripes on these criminals. The good of society demands it. The safety of the states requires it. This class are the real criminals of this age and these times. Let them wear the stripes and carry the chains around their ankles. We hope that Pierce will wear the stripes in the Texas penitentiary. And what a pity that the letter of the law is not broad enough to include his former political representative in Texas—Joseph W. Bailey. Would they not grace the cells of the Texas penitentiary?

THE REACH OF SENATOR BAILEY.

(St. Louis Globe-Democrat.)

Every day brings a new shudder at the narrow escape from a deadly breach in the Joe Bailey trial. Every day there is somebody starting for Prosecutor Cocke, and every day there is nobody getting up to him. The press dispatches are inadequate in telling whether Cocke changes base or whether the men who start after him stop before they get there. Sometimes a man who is started after can stand perfectly still and wait, yet never be reached. It is a mystery to us why Cocke of Texas has not been reached, he has been started after so often. Senator Bailey has started after him on four separate occasions. The chairman of the committee has kept going after him ever since the investigation began. Neither of them has made connection, yet after each attempt Cocke has resumed his former lines of investigation, which a man who has had to save his skin by running would hardly do. Dealing with fierce and warlike gentlemen, whose integrity is aspersed and whose honor is assailed by foul insinuation of loaning each other their duplicate keys to ground floors, Cocke has always resumed, after each of these vain efforts to reach him with the same line of impertinent questions to infuriated witnesses under investigation, but insisting that they shall be asked no questions to indicate that they are under suspicion.

Since being reached after a dozen times, and always missed, Cocke has broken his mysterious and eloquent silence. On Tuesday Senator Bailey made his fourth effort to get to Cocke, and again fell short. The provocation lay in a remark of the prosecutor which the senator interpreted as a reflection upon his veracity. Declaring that he would allow no man to call him a liar, he shouted out the text on which Cocke hangs his protest that calling a man a liar is not sufficient provocation for fighting. If that is the Texas view it must be remembered that Mr. Bailey for the last dozen years has lived more than half of the time outside of Texas. During this long residence abroad he has acquired habits foreign to Texas. No matter how he denounces, while thundering at Goliad or Lampasas, the 6 o'clock dinner of the north, and the dress suits of evening functions, it can be easily proved that when in Washington or New York he comes down to 7 o'clock dinner in full evening dress. If Cocke expressed the Texas idea of the eternal fitness of things in saying that calling a man a liar is not fighting provocation, the fact that Joe Bailey has always stopped before he got to Cocke may be regarded as a concession to the public opinion of Texas. There

may have been other reasons. Cocke deprecates "fighting like cats and dogs." Such men are dangerous.

There are still other points of view. During his years of education while away from Texas, Senator Bailey has learned that it is no derogation of dignity, and involves no loss of standing, for a man to join in the smile which wreathes the faces of his friends when he is called a liar, either in the progress of debate or in a controversy with a co-ordinate branch of the government. During the last session of Congress Senator Bailey was one of the senators called a liar by a White House edict. A dozen or a score other men were called liars at the same time, and in the same way, and by the same person. Making it a personal matter was out of the question, but when Mr. Bailey now declares that "no man living can call me a liar," he forgets Theodore Roosevelt, who used the same branding iron on Bailey and Tillman, and with which, at the same time, he scorched some of the hair off a number of other mavericks on the railway regulation bill.

The patience and good sense with which Mr. Bailey stood the gaff at that time, when there was no way either of getting away from it or giving it back, makes more inexplicable his failure to now come up with a man he so often starts for, and who stands still. Bailey is posing before Texas in this as in the matter of the dress coat and the time to eat. He knows that Texas expects something of a man who is called a liar, but he ought to know that after a man has been called a liar * * * he is held immune, in Texas as everywhere else, from the virus of another such wound. If Bailey can smile when taking the lie in Washington from a man who is out of his reach, why can't he smile when taking it in Texas from another man who is always out of his reach, no matter how often he reaches for him?

TEXAS' SHAME IS A NATION'S DISGRACE.

(The American Republic.)

The return of Joseph W. Bailey to the United States Senate was a disgrace to the Commonwealth which he is supposed to represent. That Bailey has ability no one will deny. But ability alone is not the only qualification for a United States Senator. He should have character. If evidence can be believed, Bailey is fundamentally wanting in character as a public official.

We do not deny the right of a United States Senator to follow his vocation when at home. If he is a business man he has a right, and in fact, it is his duty to look after and attend to his private business when not in Washington attending to his official duties. If he is a lawyer, he has a perfect right to practice his profession when Congress is not in session. While Congress is in session his duty is there. In vacation, he has a perfect right to look after his private business. But attending to your own private affairs and selling your political influence are two different things. The practicing of your profession as a lawyer is one thing and selling your influence as a United States Senator is another thing.

Bailey does not seem to differentiate between the two. He has a good mind; a strong mind and an analytical mind, but when he comes to differentiating between practicing law as a lawyer and selling his influence as a United States Senator, he seems to have been dull mentally. His mind is muddy. In fact he could not differentiate. He confounded the two. But, we do not believe that Bailey's mind was so much at fault as his character. We believe that his mind was strong and discriminating, but we believe that he was wanting in character.

We had hoped in the beginning of the public rumors as to Bailey that he would be able to vindicate himself. The Nation needs all the brains and character that these times can supply. Bailey represented the flower of young manhood of the Nation—his capacity and opportunities for good were great. The age is calling for men of character and of brains. Bailey could have answered the call of the Nation. We have followed his public career with interest from its beginning and expected much of him, only to be disappointed.

There have been few public men in the history of the Nation who have been such a great disappointment to the people as Bailey. We gave him the benefit of the

doubt until the last. But the evidence was overwhelmingly against him. That he has used his official political position to make money no one who reads the evidence and can earnestly weigh the testimony can for one moment doubt. That his political influence was for sale, we do not believe any sane mind that reads the evidence would for one moment deny.

We did not wish to take other people's interpretation of the evidence delivered at Austin, Texas, against the Senator nor did we wish to accept the newspaper's construction of it, so we secured the daily reports of the evidence—the questions and answers—the official and sworn evidence as reported at Austin, and, after having read the evidence, we have but one conclusion: That is that there should be some provision in our laws to cover cases of the nature of Bailey's so as to send all such to the penitentiary instead of returning them to Washington as United States Senators.

It is a great misfortune to the American people that our law is so defective. The idea of a United States Senator selling his political influence either in State or National matters and there being no law to punish him for the crime is a great defect in our legal system. That Bailey juggled with the officials of the Waters-Pierce Oil Company, (a branch of the Standard Oil Company), and other corporations and used his political influence for their benefit and received compensation therefor, no one who reads the evidence will for a moment doubt.

That they would not have employed him had he not been a United States Senator, no one who discriminates will for one moment doubt. Every discriminating mind that reads the evidence delivered at Austin must be satisfied that these corporations employed him for his services, not as Bailey the lawyer, but as Bailey the United States Senator—that it was his political influence in Texas that they purchased is apparent. It should be as great a crime for a United States Senator to realize money for his influence in State matters as in National matters. Does any sane man think for one moment that Bailey was paid all the money he received from the trusts and corporations for any purpose other than his political influence?

His return to the United States Senate demonstrated how corrupt any party will become when it is in absolute power in a State. If Texas had been a close State politically, the Democratic party would not have dared return Joe Bailey to the Senate in view of the evidence delivered at Austin during the investigation. The railroads and corporations which dominate the Democratic party in Texas returned him—not the people. The same influence in the Democratic party in Texas returned him to the Senate that dominated the Republican party in Pennsylvania and returned Quay to the Senate after he had been indicted and tried as a felon—the corporations and corruptionists.

In Texas this corrupting influence is in the Democratic party—in Pennsylvania it is in the Republican party. The men who produce this corrupting influence have no politics. They associate with the party that is in power—they have no political faith or political creed. There are few, if any, parallels to Bailey's case in the history of the Republic. His brazen manner is disgusting to the American people. He seems to have no sense of shame. He does not seem to understand that the American people realize that he is a political prostitute. We can think of but one analogy that fits Bailey's case; that of a brazen fallen woman attempting to assume the manners of chastity. His attitude was an insult to the great Commonwealth which he assumes to tempt.

His manner of bluff and bluster before the committee at Austin was disgusting and his assumed manner towards Representative Cocke who preferred the charges was contemptible. Mr. Cocke was a representative of the people in the general assembly of Texas, and as one of the people's representatives he had a right to prefer the charges against Senator Bailey—it was his duty to prefer these charges and to see that they were honorably, fairly and justly investigated. The general assembly voted that such be the case; yet Bailey assumed a manner of treating this investigation with contempt. His attitude was an insult to the great Commonwealth which he assumes to represent in the United States Senate. When any man reaches the position of Bailey where he thinks every other man is servile to him, it is time to call his hand.

That investigation at Austin was a serious matter. It should have been conducted with dignity. The prosecuted should have respected the prosecution until all the evidence was of record. Both should have respected the committee during the investigation. It seems from the record that Representative Cocke, who preferred the charges, acted with respect toward the Senator and with respect toward the committee during the entire investigation. The dignity of the State required this much. Mr. Cocke acted the gentleman—Bailey the ruffian.

When Bailey attempted to disregard the dignity of the occasion and treated the prosecutor with contempt, Mr. Cocke should have horse-whipped him—the dignity of the occasion had lost its saving power by virtue of Bailey's acts and he should have been made to have borne the consequences. Had we been placed in Representative Cocke's place and Joe Bailey had attempted to disregard the dignity of the occasion by treating us as he did Mr. Cocke, we would have horsewhipped him as we would the blackest and commonest free negro in Georgia that we might have caught in a chicken roost stealing chickens at night. Bailey had placed himself where he did not deserve the respect due a United States Senator. When a man reaches that point where he disregards public opinion, his official position and the rights of others, there is only one way to treat him—treat him as he regards others. Bailey had placed himself where he did not deserve the respect of a Senator and should have been dealt with accordingly.

But he returns to Washington and announces that he wishes to be the leader of his party in the Senate. Ah! the gall! the gall! the gall! of some men. Is there no such thing as shame written in the vocabulary of some men? But that is Bailey. What influence he will have there now we do not know. We do not attempt to say—we dare not speak for the acts and doings of that body as now organized. But this we do know; Two or three generations ago when patriotism ruled that body, Bailey, with his record as now disclosed by the evidence delivered at Austin, would have had no more influence and standing in that body than the scarlet women of the streets would have in decent and respectable society. Texas' shame in returning Bailey to the Senate is a Nation's disgrace.

SENATOR BAILEY ON TRIAL.

Boston Evening Transcript, by Frank Putnam.

Considered as a piece of public business, the recent "investigation" of United States Senator Joseph Weldon Bailey was a painful fiasco. Regarded as a spectacle, it was essentially comic.

Senator Bailey, although no man opposed his re-election, got his name put on the Democratic State ticket as a candidate in the fall primary, 1906. As a matter of course, having no opponent, he was duly nominated. Just what he had in view in going to the apparently needless trouble of running for the office was not apparent at the time, even to his foes in the party. They now see more clearly what he meant. For it was through his shrewdness in taking a place on the primary ticket, and so obtaining a popular mandate for his re-election, that he got back to the Senate. Had he not taken this precaution—had he assumed the certainty of his re-election, as did nearly everyone else in Texas, he would have been beaten.

State Senator Senter of Dallas, a clean, high-minded, able lawyer, had meantime taken a decided stand against Senator Bailey, and the opposition to Bailey began to rally around him and Representative Cocke, of Bexar County. Mr. Cocke framed a set of forty charges against Senator Bailey, and presented them to the House. The senator loudly demanded an investigation and repeatedly declared that if but one of the charges were proved, he would resign. The allegations, he declared, were false, and founded upon forged papers in a foul conspiracy to break him down. He declared that William R. Hearst was organizing and directing the whole movement. An investigation was ordered. Speaker Love, a recent arrival from Missouri, and a member of the Bailey group in Texas politics, appointed a House Committee of seven members, four of whom proved to be from the beginning intense partisans of the senator. Lieutenant Governor Davidson appointed a Senate Committee of seven

members, four of whom proved to be, when the testimony had been taken, opposed to Bailey.

TAKING TIME BY THE FORELOCK.

With magnificent audacity, the senator demanded that he be re-elected in advance of the investigation. Through appeals to the self-interest of members, and threats of political extinction should any oppose him, he and his aides dragooned a majority in either house into re-electing him before the investigating committee could begin work. When they did begin work, the House Committee took charge of the proceedings, the charges having been filed in the House by Representative Cocke. This gave the Bailey men a tremendous advantage, since, with one of their group presiding at the investigation they were able to exclude a large amount of testimony very deadly in its prospective influence upon the senator's reputation. Mr. O'Neal, the chairman, is a fine type of the sturdy, strong-headed honest but passionately partisan country squire, convinced to the bottom of his soul that "Joe Bailey is as pure as the driven snow," and that "his enemies were all spawned in hell." Accordingly, his rulings were a source of constant irritation to those committeemen who really wished to conduct a searching and impartial inquiry, and of wonder to the many reporters from Eastern papers who looked in on the proceedings from time to time. Witnesses bringing testimony adverse to the senator were held to the strict letter of what they positively knew—no heresay and no inferences from them. They were brow-beaten and bullied without mercy by the three strong lawyers who sat with the senator. If Mr. Cocke, who by the way was appointed to prosecute the charges for the State, attempted to help one of these alien witnesses to bring his story out intelligibly and fully, both witness and prosecutor were as often as not "sat upon" by Chairman O'Neal gruffly and emphatically. But when a pro-Bailey witness was in the chair, he was not only free but was brilliantly assisted by the senator's attorneys to set forth what he knew, what he had heard and what he believed.

ALL CONVINCED OF HIS GUILT.

I found that the reporters who had attended the sessions of the investigators from the beginning were, with one exception, convinced of the truth of the gravest of the charges against the senator. These men, trained to sift fact from rumor and to arrive at the meat of a question quickly, were of one mind, with the exception noted, in believing that the investigation had wrecked the public reputation of the senator.

Yes, not one of them, nor one of the anti-Bailey men in the Legislature believed that the Legislature would vote censure of the senator. The majority in both houses, having blindly assumed Senator Bailey's innocence, and in that belief having re-elected him without waiting to sift the charge, was estopped by that fact from voting censure, since it could not repudiate Bailey without most severely reflecting upon its own earlier course.

Mr. Cocke, the prosecutor, fought his uphill battle gamely, handicapped in every way that the adverse majority of the committee could handicap him. He was refused money to hire a stenographer, and but for the patriotic generosity of private citizens of Austin he would have had to meet this expense out of his own pocket. He was denied the assistance of counsel because, forsooth, Senator Bailey objected; he would not, he declared, answer questions asked by his political foes. So Mr. Cocke, denied means to get testimony, denied assistance in preparing and providing what testimony had come into his possession, made a single-handed fight that has excited the admiration of all Texas, and that has made him the most promising new figure in the politics of the State. His self-possession, amid a group of hair-trigger personalities, was delightful and amazing. When, for example, he having politely put a question to a witness for the senator, Mr. Odell of the senator's counsel blusteringly threatened to "slap his (Cocke's) jaws," and reared his huge red bulk menacingly as if about to do what he threatened, the little man from San Antonio merely turned his head toward Odell, smiled pleasantly and said, "Well I declare!"

The investigation closed with the testimony—which was mainly a florid stump

speech—of Senator Bailey. He then insisted upon immediate action in the legislative chambers. He demanded to be vindicated immediately in order that he might be in Washington on March 4, to take his oath of office. This allowed no time to the Legislature for consideration of the testimony taken by the investigators, but the senator, with Napoleonic nerve, declared what the Legislature must do, and the Legislature did it. The House by a vote of 69 to 42 exonerated him, and the Senate did the same by a vote of 17 to 11. Three senators, absent when the roll call was taken, later declared they would have voted against exoneration had they been able to be present, thus making the Senate division 17 to 14.

BAILEY IN ERUPTION.

Having been vindicated in this fashion, the senator, accepting an invitation to address the Legislature, delivered himself of an address of extraordinary bitterness, declaring his intention to drive out of public life every man that had opposed him in this affair, and distributing a new lot of such epithets as "dogs," "hyenas," "scoundrels," "liars," "wolves," etc., among his foemen there present. The next day several of the members so designated rose to a question of personal privilege and paid their compliments to the senator in kind. They dubbed him "an infamous liar," "a traitor," etc., and joyously dared him to come into their counties and begin fighting for their political scalps as soon as he had a mind to.

It goes without saying that this fight has split the Texas Democracy wide open, and that the final result of the long campaign now just begun must be the elimination of Bailey and Baileyism from the politics of the State. A very large majority of the Democratic papers of the State are hotly opposed to the senator, and there is a growing general feeling that he has too long been permitted to herd Texas Democrats as if they were dumb cattle. Conceding his great ability, the average Texan as I found him during many long journeys up and down the State during January and February had apparently reached the conclusion that the senator had been using his ability too much in the service of the big Eastern trusts and too little in the interest of the State by his alternate outbursts of vulgar profanity and self-pitying tears before the investigating committee—that, in a word, he is either, as some of his critics say, "a bar-room bully," or neurotic, or both.

In order to understand the tremendous change in Texan sentiment toward Senator Bailey that has taken place during the three months last past, it must be borne in mind that for six years he has been the idol and absolute master of the State, politically. Scores of journals that have lately opposed him have long been among his most ardent supporters. There is something genuinely pathetic in the tone of the utterances of some of these journals, commenting upon their new relations toward the senator. To many of them he has been not only an adored leader, but a close personal friend. They believed in him utterly, and pointed with pride to his purity of character as contrasted, in their opinion, with that of some non-conspicuous Northern senators. So, when the revelation was made that he, like others, had been secretly serving the open and avowed enemies of the State, these, his friends who set patriotism above party and honor before personal friendship, arrived at the parting of the ways. Their erstwhile friend and idol poured out upon them the vials of his hot vein. * * *

Had this investigation been held in any Northern capital, the press would have printed details of alleged personal irregularities in the senator's career, developed by sworn testimony that was, through partisanship, barred from the record as not germane. In bringing out testimony on these personal matters, Mr. Cocke aimed to mass proof of Mr. Bailey's general unfitness for public station, and even though he did not succeed in getting much of the testimony of this character into the record, the revelations went out through other channels than the press, and had a large part in determining the State's new estimate of the senator.

Wherever I went in Texas I heard all sorts and conditions of men say, in effect: "If Senator Bailey had been frank about the business in the beginning, if he had said, 'Yes, I took fees from the oil company and other big corporations, I earned them and am not ashamed of it—what harm was there in that?' we would have for-

given him, on the ground that he did only what he thought was right. We would have disagreed with him as to its being right, and we would have had the Legislature express its opinion as to how far a senator ought to go in serving corporations; but we would have still been able to feel that Joe was square and game. His denial of the business in the first place, showing that he knew it wasn't square, and his later forced admissions of it, have made it impossible for us to have any further faith in him. We'll have to stand him for six years more, but he'll never go back again."

THE TAINTED SENATOR AND HIS SMIRCHED TOGA—JOSEPH W. BAILEY TRAVELS THE ROAD TO RUIN AND WINS A TRIUMPH WHICH SOUNDS THE DEATH KNELL OF HIS REPUTATION.

By Frederick Lawrence.

Ridgway's Magazine.

It is not a pleasant task to write about the success of Joseph W. Bailey in procuring his election a second time to be United States Senator for Texas. It is never an agreeable duty to describe the ruin of a brilliant young man and tell how his undoing was wrought. Yet that is precisely what must be done if the truth is to be told about Bailey, for his success means his ruin, his triumph his disgrace.

On Tuesday, January 22, Bailey was re-elected to the United States Senate by the Legislature of Texas; on the following day the election was confirmed. This was accomplished in the face of charges formally preferred accusing Bailey of official misconduct most serious in character, in shameless defiance of the fact that a committee of each house of the Legislature had been appointed to investigate the charges and that they were organized and ready to proceed with the taking of testimony on which Bailey may even yet be convicted and made to suffer punishment. The very legislators that deemed the accusations against him strong enough to warrant them in voting to appoint investigating committees, the self same men that may soon be called upon to vote him guilty of the offenses charged against him, cast their suffrages in favor of Bailey's election to the United States Senate. They gave him the honored place from which they may yet demand that he be torn in disgrace. Was ever a more impossible situation presented to the country?

It was all accomplished after the most vicious political battle that has ever been fought in a State legislature. During the four months preceding his election the opponents of Bailey fired broadsides of twelve-inch verbal guns at him from the hustings, and the accused man rampaged the length and breadth of Texas calling his opponents names which at another time would have been answered by the contralto of singing bullets. But in Texas during political campaigns the bars are dropped; one man telling his opinion of another is not a capital offense even under the draw-and shoot code of the great southwest. * * * The climax of the battle came before the legislature.

A small band of legislators led by Representative Duncan, of Tyler, waged war on Bailey. They were weak in numbers, but strong in resource. They kicked up a prodigious hullabaloo. They drove the legislature into a panic. They forced the appointment of investigating committees by both houses. Bailey put forth tremendous efforts to defeat, first, any investigation whatever, and, second, an investigation that would bring the facts to light. The yellow fear was in his heart. He first denied the truth of the charges preferred against him—that he had grafted on the Waters-Pierce Oil Company, a Standard Oil trust tentacle, and had been guilty of reaching for other graft in all directions and getting it—graft so cheap that it would shame a Pittsburg alderman to accept it. His opponents produced proof verbal and documentary. Attorney General Davidson, of Texas, gave the House of Representative checks, drafts and other papers showing that Bailey had been given money by Pierce for "delivering the goods." It was proven that Pierce had applied to David R. Francis, former Governor of Missouri, to recommend him a Texas lawyer who could get his Standard Oil trust off-shoot relieved of the punishment which the courts of Texas had imposed for its outlawry. Francis recommended Bailey. A telegram was sent to Bailey at Washington and he left his place in Congress to answer the call from St.

Louis like a lackey jumping to obey the whistle of his master. It was shown that Bailey had performed the service desired of him—a service which is usually rendered by the under-ground-working shyster of the trusts—and that thereafter Pierce had flung him his price.

Exposed and driven into a corner Bailey ceased denying and set up the pitiful whine that the money Pierce had given him was not his fee for services rendered but money which he had borrowed from the oil trust magnate. The lawyers call his attitude a plea in confession and avoidance—that is a confession of guilt in effort to seek avoidance of consequences.

REVERSAL OF POPULAR SENTIMENT.

From a small beginning the struggle against Bailey gradually assumed formidable proportions. The legislators began to hear from home. Their constituents were amazed by the revelations. The proof of Bailey's guilt as given to the House of Representatives by the Attorney General made the case against him stronger and blacker than it had been presented to the voters during the campaign before the people. The citizens saw a great light and in an effort to undo the harm they had done they deluged their legislators with telegrams and petitions to vote against Bailey.

This had the effect of strengthening the opposition's numbers to a degree which alarmed Bailey to the verge of panic.

He sent telegrams—hundreds of messages—calling his friends to rally to his rescue. He appealed to the oil trust. The answer was swift. Benjamin McNulty, Texas General Manager for the Waters-Pierce Company hurried to Austin. So did General Counsel Johnson and State Counsel Clark.

They brought to the capital dozens of the oil trust's smaller fry every man drawing an oil trust salary who could influence in the slightest extent a legislator. These men never let up in their work. At night, long after Austin has gone to bed, into the wee hours of morning, they burned the electric lights in Bailey's room at the Driskill Hotel planning the campaign for the coming day.

Here it was decided what should be done. Did Representative Smith need a little Bailey stiffening in his spinal column? The Bailey-Oil Trust council of war planned how it might be administered. Had Senator Jones stampeded from the herd? The council appointed a man whose duty it would be to rope, brand and drive him into the corral. In the Driskill they played the most modern, up-to-date politics. Bailey had stood by the oil trust in its trouble—the oil trust toed the scratch manfully for its United States Senator when he got into trouble for serving it not wisely but too well.

During the whole pitiful, miserable business there was one manifestation of good, wholesome American human feeling—and it is the only thing to which Bailey can look back without a feeling of secret shame. It was the loyal manner in which his personal friends stood by him. When Napoleon returned to France from his imprisonment on Elba there sprang to his side no more devoted band of friends than those that invaded Austin to battle under Bailey's standard. In his disgrace Bailey may find pleasant reflection in the knowledge that there are thousands of brave and honest Texans who idolize him, who would follow his leaderships, misguided but loyal, even if the charges now existing against him should be proven against him and magnified a thousand fold. These men spent their own money and their own time in Austin bolstering up Bailey's cause. They made the days of the legislators a nightmare with their efforts to persuade them not to desert their idol. And they even used arguments more coercive than persuasive.

One legislator went into a corner of the Driskill office with four of Bailey's volunteer workers. These gentlemen have altogether contributed twelve names to the mortuary statistics of the southwest. The legislator emerged from the corner white in the face, but an earnest Bailey advocate, changed in a few minutes from something quite the reverse. Later he said to a stranger in Texas:

"If you've got any views adverse to Bailey don't express them here unless you want to make your body more valuable as a lead mine than it is as a breathing ap-

aratus. These fellows will stand a little Bailey criticism from a Texan because they concede a native's right to express his views, but they'd mob any outsider who talked too much."

The party lash snapped louder than ever before was known in a senatorial contest. "Bailey is the nominee of the party," was the cry. "The people voted for him at the primaries and the State convention nominated him. He is the choice of three hundred and twenty five thousand Democrats of Texas. If he is defeated, the will of the people will have been thwarted and the voters will punish every man who disobeys his instructions."

THE FORCE OF PARTY PRESSURE.

The party pressure was used remorselessly and, as the result shows, successfully. The strength of this pressure may be judged from the action of E. C. Gaines, the representative for Comanche county. He was instructed by the people to vote for Bailey and he obeyed, but in casting his vote he explained that he did it only because he had been so instructed and added:

"I am convinced beyond a reasonable doubt that Senator Bailey is substantially guilty of all the infamous conduct with which he is charged. In my own opinion Bailey is not only unworthy of the great office of Senator, but he is absolutely infamous. I regard him as I do any other criminal. I cannot escape the conclusion that he is a traitor to his country who has betrayed his people into the hands of a commercial pirate for gold. Left to vote my own sentiments, I would gladly defy all his minions of infamy and vote against him; but a man must live up to his ideals. My ideal of a good government is one in which the people's will is supreme. I think it is better for a representative to vote for a bad man; yes, a moral leper as I believe Bailey is, than to shatter an ideal of representative government, the observance of which is the hope of the nation, and break faith with his people.

"Having discharged, with scrupulous fidelity, my promise to my people, I desire to take my place for the future among those who despise and defy him."

A TRIUMPH OF TREACHERY.

The triumph of Bailey, if the sacrifice of political honor, the esteem of a nation and influence, the undoing of a lifetime of good deeds, the ruin of a reputation for patriotic public service, can be called a triumph, was brought about by a combination of strong friends, Standard Oil trust influence, coercion, and the whip of a great political party.

It is a triumph which leaves the victor even more detestable than Clark of Montana, or Guggenheim of Colorado, for while these two bought their seats with gold, Bailey sold the people who trusted him into the hands of a villainous monopoly. They paid the price of their corrupted legislators with tongs; he received his pay as a beggar takes alms or as a Benedict Arnold picks the price of his infamy from the dirt where his owner throws it.

The election of Bailey was forced before the investigation could be commenced because he dared not let it go over until the testimony had been heard. In the presence of the charges against him common decency demanded that the election be postponed until Bailey had been either condemned or vindicated. He dared not face the issue. He knew that with the proof before the people in the form of sworn testimony, a whirlwind of wrath would have been aroused which would have swept the legislature off its feet and himself into oblivion. So the cry was raised, "Elect Joe now, and if the charges are proven he will resign." To a few individuals Bailey stated that he would resign if the verdict of either branch of the legislature should be adverse to him, but never did he give that assurance in a public speech or writing. And who expects him to keep his word? The man who will take the money of a criminal trust for betraying the people expected to keep a promise made! Surely there lives no person so gullible as to believe that.

The writer of this article had something to say to Bailey along the line of his promised resignation. In his rooms at Austin the following questions were submitted to him with a request for answers:

Do you regard the election today as a vindication of the charges that have been preferred against you?

Do you consider that you are under obligations to remove the impression that prevails throughout the country outside of Texas, that where there is so much smoke there must be some fire, by submitting to a searching investigation by a committee of the United States Senate?

Will you oppose, or permit your friends to oppose, a full investigation by the United States Senate in the event of that body being requested to take such action?

Assuming as true your statement that your financial transactions with Mr. Pierce were in the nature of loans, and not fees paid to you, what is your present opinion of such transactions on your part?

Do you deem it proper for a United States Senator to borrow money of men like Mr. Pierce, who are actively affiliated with trusts?

In the event that the investigation by the houses of the Texas Legislature should proceed to a conclusion, and the report of either committee should be against you, will you resign your seat in the United States Senate?

To these questions Bailey made no reply. For reasons he stated that he did not wish to dignify the charges against him by admitting that they required answering. I asked him about the promises he had made to individuals to resign.

"When I am convinced that I ought to resign I will do so," replied Bailey.

"When will that be?" I asked.

"How can I tell that?" he evaded.

"If you should be found guilty by a branch of the Legislature will you consider that the time for your resignation has arrived?"

"The Legislature cannot find me guilty because there is no truth in the charges," said Bailey. "I am not going to sacrifice myself to please my enemies."

"Will you oppose an investigation by a United States Senate committee?"

"There is no charge made which the United States's Senate can properly investigate."

"Charges affecting your conduct as a Congressman and a Senator have been filed," I reminded him.

"The legislature, by electing me, has placed the seal of untruth upon all the charges," said Bailey.

Shifting, evading, equivocating. Never a straightforward answer to a straightforward question. The rat in the corner squealing with pain as it feels the terrier's fangs, the coiled serpent whirring its rattles as it prepares for desperate battle with its enemy, present no more pitiable aspect than this trapped unfaithful public servant fighting to release himself from the quicksands of dishonor which are so rapidly engulfing him.

Notwithstanding his election, the investigation of the charges against Bailey is to proceed to a conclusion. Both committees are made up of men a majority of whom are supposed to be friendly to the accused. Bailey and his supporters confidently hope that no matter how strong the case against him may be made—if he should be proven to have a character as black as that of the devil—a whitewashing report will be returned. There is strong basis for this belief, but Bailey's opponents have not lost heart. They intend to present the case against him as completely as possible, and let the people of Texas know what kind of a man has been sent to Washington to represent them. They deem this course to be their solemn duty to their State. The election of Bailey is an accomplished fact and cannot be overturned, but he can be punished by public opinion for his misdeeds; he can be made to walk the straight and narrow path in the future, and his condemnation in the minds of his fellow Texans and the people of the nation at large will serve as a dire warning for all other men who, entrusted with sacred duties to perform, treacherously betray their people into the hands of the buccaneers of industry for money.

It is to be hoped that the United States Senate will investigate the charges and forbid Bailey taking his seat, for such a traitor to the people is as serious a menace as the soldier who betrays an army in time of war.

Washington Herald.

When Senator Bailey gets back to Washington he ought to introduce a bill prohibiting trusts from slipping up on unsuspecting statesmen and lending them money. * * * Senator Bailey pleads with Texas to allow him to practice law during Congressional recesses. A few of those Texans seem to think he would be given the entire year for his law practice. * * * "The Oil Trust isn't in the habit of lending \$150,000 to an arch enemy," says the Nashville American.

Troy (Tenn.) News-Banner.

Bailey is as guilty as would be the Circuit Judge who would "borrow" on unsecured paper immense sums from a rich man who had a case in his court.

Baltimore News.

Senator Bailey is forced to make his canvass over again, the Standard Oil disclosures having broken the cinch that he had. Even if he succeeds in making a patch that will hold it will not mend the cracks in his reputation.

Montgomery Advertiser.

Senator Bailey of Texas is having a strenuous time in his campaign for re-election and it is told that he carries a pistol while canvassing the State. Whether the charges against him are true or not we should think the pistol habit would not elect him.

Charleston News and Courier.

If "Joe" Bailey has no Senatorship in his stocking this year it is because he put his foot in it sometime ago. * * * Bailey's mistake was in denying himself the luxury and excitement of the lecture platform as wallet sweller.

Providence Journal.

He may say that other Senators have done similar things, but this is no excuse for him.

San Diego (Cal.) Union.

It would seem at this distance that no further investigation in the case is needed. His own declarations should suffice to stamp him as a man unfit for the Senate. His position, as explained by himself, is that there is no impropriety in a Senator acting as the paid attorney for large corporations whose interests might be affected by such attorney's course as Senator. A man who can see nothing wrong in such dual service should not go to the United States Senate. There are too many of his kind in that body already.

Charleston News and Courier.

With Sam W. T. Lanham of South Carolina available in Texas, the political demise of Senator Bailey might be forgotten sooner or later.

Portland Telegram:

It has probably occurred to Joe Bailey of Texas that the Senatorial pedestal is dangerously slippery, whether the lubricant be Standard Oil or not.

Charleston News and Courier.

The tactics of Senator Bailey's defenders in Texas may be effective at home, but they do not improve the Senator's case elsewhere. For instance, the charge made by one of his newspaper champions that certain of the newspapers criticising him are "owned by Northern Republicans" produces the impression that the Bailey fund of argument is not participating in the general prosperity. At this distance the main question seems to be, not who owns Bailey's enemies, but does Standard Oil own Bailey.

Yuma (Ariz.) Examiner

Talk about self-sacrifice! Look at Joe Bailey, who says he would rather be Senator for \$5,000 a year than a corporation attorney for \$50,000.

Portland Telegram.

If H. Clay Pierce gives Senator Joe Bailey a certificate of good character, will the Texas Legislature do the rest?

Richmond Dispatch.

Hon. Joseph Bailey has reached a point in his career where he is in hourly danger of losing his grip on his Senatorial courtesies.

Memphis Scimitar.

Texas in the Van—If Senator Bailey of Texas is refused by the people re-election to the Senate by reason of information about him after their first vote in his favor that State will have taken the lead in swelling the stream of reform and progress. Because Bailey, considered financially, socially, intellectually and politically, will have been the biggest figure repudiated in the country. Senator Bailey's offense has been his determination to attempt to serve two masters, the people on the one hand and the special interests on the other. In the present temper of the people, and with the present character of these predatory interests, this is impossible of successful accomplishment. Saturday Bailey lost in the new primary, Travis County, in which the capital of that State is situated.

Mobile Item.

* * * Well, the Legislature that will send him back to the Senate is not likely to investigate him.

New York World.

Senator Bailey of Texas is vigorously resisting a legislative investigation. Like many other distinguished citizens the Senator is unable to grasp the fact that the people have stopped taking anybody's word for it. They want to be shown.

Chicago Times-Herald.

Senator Bailey of Texas is fighting against an investigation of his connection with the Waters-Pierce Oil Company. It is always hard to make people believe that a man who fears to be investigated has not been doing things which should be looked into.

Hartford Courant.

Senator Bailey speaks of his return to the Senate for another term as now absolutely assured; but we observe that 190 Texas newspapers think he shouldn't have borrowed all that money from Mr. Pierce, the oil man, and tried to make a secret of it.

Albany (N. Y.) Times-Union.

A member of the Texas Legislature has resigned because he cannot conscientiously vote for the re-election of Senator Bailey. Is there a law in Texas which provides that all members of the Legislature must vote for Bailey?

Memphis Commercial-Appeal.

Rockefeller's press bureau seems to be working overtime.

Philadelphia Public Ledger.

An exchange of condolences between Senators Dryden and Bailey would dovetail nicely into a pathetic situation.

The Washington Star about January 5, 1907, published an editorial very friendly to Mr. Bailey, which was reproduced by the Dallas News. In probably a week afterwards, on account of Mr. Bailey's and his friends' opposition to an investigation, The Star said (Dallas News, January 13, 1907): The opponents of the Senator want an investigation by the Legislature. * * * It is their contention that since the July primaries, the case against him has been greatly strengthened and that as presented now, it affords full reason why he should not be re-elected. This the Senator stoutly denies, and holds that as the people have instructed the Legislature to return him to the Senate, that body has no mission in the matter but to obey those instructions. In taking that position, Mr. Bailey errs. He has so much at stake,

and seems so confident of his case, he should not hesitate to submit it at once to the closest scrutiny. Re-election is less than complete rehabilitation. * * * No matter what happens, the Democratic party will not lose the seat, nor be put in peril as to control of the State. The Republicans have no power there, nor could they triumph even with the Democrats divided into a half dozen factions.

St. Louis Globe-Democrat.

Senator Bailey's speech at the last session of congress was admitted to be his masterpiece. But it takes more than eloquence to make a statesman.

Kansas City Star.

It must be admitted that Senator Joseph W. Bailey borrowed more trouble than money from H. Clay Pierce.

Mobile Register.

Alas, poor Bailey! His enemies have put him on the defensive. He may pull through in Texas, but he is done for as a national factor. He is experiencing the full force of the maxim that a man must not only be right, but must seem to be right.

St. Louis Star-Chronicle.

That halo which Senator Bailey wears needs a new rim.

Portland Telegram.

If Joe Bailey is re-elected Senator from Texas, the question will still arise, Is it a Bailey vindication or a Standard Oil victory?

Tacoma Ledger.

Senator Bailey thinks he has such a cinch on the Texas Legislature that it will not dare to refuse him a re-election to the United States Senate. If that is the case, the State of Texas will probably have something to say to its State Senators and Representatives at the next election.

Dayton (Ohio) News.

Senator Tillman says he believes Senator Bailey is honest, because he watched him like a hawk during the railroad rate legislation.

Chicago Chronicle.

A United States Senator should be like Cæsar's wife—above suspicion.

Des Moines Register and Leader.

These answers, made promptly and openly, while not what would be expected of a United States Senator, would still not have impeached Senator Bailey before the people. But made after years of careful concealment and evasion, they are enough to condemn him with everybody.

Midland Live Stock Reporter.

Speaking of Senator Bailey's poor attempt to "clean up" his record, the Paducah (Ky.) News-Democrat, a prominent Democratic paper of that State, says: "Senator Bailey has made his promised vindicating statement to the people of Texas. To say the Senator has disappointed the people not only of his State, but his admirers outside thereof, is to put it mild. He doesn't in fact clear himself of the charges made by his enemies. * * * The Senator stands too much upon his high dignity and previous good standing among the people in his efforts to vindicate himself and fails to make good his stated promises to clear away every cloud created by his alleged 'enemies,' 'calumniators,' 'slanderers,' etc.; in fact, his vindication is a decided failure, being too tame from start to finish and in nowise daring enough to call for an investigation at the hands of his official creator, the Legislature of his State. The News-Democrat is sadly disappointed in Senator Bailey's vindication and sees little if anything short in it of his defeat for re-election at the hands of his opponents."

Richmond Times-Dispatch.

Democrats in Richmond are sorely grieved at the fall of Senator Joseph W. Bailey of Texas and the sorry attitude in which the erstwhile brilliant democratic

leader finds himself at present, is the subject of much comment around the hotel lobbies and public places.

Two reasons are assigned for the deep regret which is felt here concerning Senator Bailey's plight: The one is his widespread popularity and unquestioned ability, and the other the fact that heretofore, the scandals resting upon lawmakers at the national capital have never reached in any remote way into this Southern section. The Mitchells, the Deitricks, and the Burtons, who were branded as grafters, all come from north of Mason and Dixon line, and the fall of Bailey naturally comes as a severe blow to the proud Southern spirit.

Men discuss the matter earnestly wherever two or three of them interested in public matters meet, and it seems to be the overwhelming sentiment that the once distinguished leader of the Southern democracy will return to Washington absolutely discredited as a factor in the affairs of the nation.

WHEN BAILEY DEFIED THE OCTOPUS.

Washington Herald.

Everybody knows about 26 Broadway, New York. It is the headquarters of the trust—the seventy-armed octopus—Mr. Rockefeller's philanthropic enterprise. It may be imagined, therefore, with what pain we heard that Senator Bailey of Texas had been lured into this den of infamy, with some dire and fateful purpose known only to conjecture.

Baltimore News.

Senator Bailey is fighting the resolution pending in the Texas Legislature for an investigation of the charges against him. Is the case so bad as that?

Detroit News.

It has at least been demonstrated that Senator Bailey made careful arrangements to be technically innocent.

Clarksville (Tenn.) Chronicle.

Senator Bailey of Texas is assured of re-election, but he will return to the Senate badly worsted and crippled in his influence to do good for the South. It is a pity.

ENTITLED TO SYMPATHY.

The Times-Democrat.

The mild and inoffensive investigating committee which is said, by courtesy, to be looking into the record of Senator Bailey moves our sympathy more and more. It seems to have incurred the displeasure of the gentleman who is being investigated, and thus finds himself on delicate ground. Yesterday's paper made public the severe rebuke administered by the Senator to the unfortunate body. After casually remarking to the chairman that a certain statement was a lie made out of the whole cloth, instead of following the mosaic style he evidently prefers, Mr. Bailey intimated to the committee his patience was about exhausted. He would linger a little longer, but unless it hurried up, he would leave it in solitude and oblivion and go to the national capital where certain important matters awaited his attention. The dispatches do not indicate that the committee received the rebuke with anything save the most exemplary meekness. It is even said that in response to this threat of the Senator, there were some intimations that the business would be expedited a little more. Whether it will or not remains to be seen. But while awaiting the determination of that important point, we can not refrain from pitying the condition of that unfortunate body. To judge from the name, one would suppose it was a committee with real authority to impose respect, to summon witnesses and to conduct the investigation according to its own preferences. That is what many investigating committees have been in the past in a number of States. But the one now sitting at Austin seems to fall far short of the usual standard. It meekly allows the investigated to break forth from time to time in fulminations against certain witnesses. It has received a severe caution from the gentleman under investigation and is likely to be berated still more roundly if it does not conform in all things. Who ever heard of a committee which so signally failed to assert its own dignity or which compelled so great a pity for its weakness.

CHAPTER XLVI:

TEXAS EDITORIALS WORTHY OF PERPETUATION, INCLUDING:

- a. The Strong Case Against Senator Bailey.—Dallas News.
- b. Joe Bailey, Prince of Borrowers.—K. Lamity's Harpoon.
- c. Bailey Rich, Re-elected and Ruined.—Home and Herald
- d. Bailey, the Blowhard.—G. W. Mortan, Cumby Rustler.
- e. Bailey's Party Record.—The Texas Farmer.
- f. Bailey's Doctrine of Pure Hate Borrowed from Ingersoll.—Houston Chronicle.
- g. The Only Man Who Sees "Nothing Wrong" in it.—Galveston News.
- h. The Truth About the Bailey Problem.—K. Lamity's Harpoon.
- i. Bailey Belched Out Fire and Brimstone.—The Texas Coaster.
- j. The Boss Rampant.—Austin Tribune.

THE STRONG CASE AGAINST SENATOR BAILEY.

Dallas News.

What if the name of Gov. Campbell, for example, should be found in the secret cipher code of the Standard Oil Company, and it should develop that he had borrowed at first sight \$3,300 from President Pierce, one of its chief officials; that other large loans had followed, of \$1,750, \$200, \$1,500, \$8,000, \$25,000, \$156,000; that all this had been kept a kept secret for years; that it appeared, further, that there were not to be found any canceled notes or checks or any other evidence whatever showing the payment of these large loans, made without security of any sort; that Gov. Campbell had bodyguarded the Standard Oil magnate back into Texas over the law, and recommended that the outlaw and oppressor of the people be readmitted; that the evidence actually showed that Campbell's name appeared in the Standard Oil Company's cipher code as "Republiah?"

What if all this appeared from evidence that has not been challenged, and Gov. Campbell then came forward and admitted the loans, the service, the correctness of the confidential cipher code, and letters and telegrams from others indicated that he was the trust's man Friday to intervene for the trust and to quiet all Texas parties? What if all this were in evidence against any member of the Texas Legislature?

What would be the standing of the Governor under such circumstances? Who would expect the people to confide in him; to rely upon him? Would he not be impeached? How long would it require, under such circumstances, for every constituent of any member of a Texas Legislature to repudiate him and recall him in disgrace?

The testimony indicating Senator Bailey's close, continuous, confidential, secret suspicious connection with the Standard Oil Company, through its chosen magnate over Texas, is absolutely startling. There can no longer exist any reasonable doubt about it.

But if every scrap of this volume of documents, of testimony that fits in, piece to piece, date to date, fact to fact, were burned to ashes, Senator Bailey's own confessions would still be enough to destroy his fitness as a Senator from Texas. To re-elect him under the evidence, under his own admissions, including the last, that his name really has a place in the secret cipher code of the Standard Oil Company, would be, in effect, in favor of the Standard Oil trust as against the code of Texas as against all Democratic platforms, as against the Democratic party, as against the people of Texas, who must buy either oil or lumber at exorbitant and merciless trust prices for all time to come. Considering the many promises and solemn pledges of the Democratic party of Texas, to re-elect Senator Bailey, as matters now stand, would be to throw away the consistency, and destroy the good character of the party

which has condemned and combated so long and so vigorously the very wrongs (before and above all other wrongs) for which Baileyism stands.

The News does not believe that the Democratic party of Texas, committed firmly to the most rigid anti-trust laws and platforms, committed to the people who have lumber and oil to buy, and committed expressly and emphatically against Senator Bailey's most generous, faithful and secret friends, will even dream of sending to the Senate a man who misrepresents so outrageously the views, the demands and the rights of the people of Texas.

Meridian Tribune.

Senator Bailey tries to make the people believe he is the ablest and smartest man ever in Washington, the President of the United States not excepted. He "blows" about the ability to detect the schemes made against the interest of the common people, yet he took the word of his friend's friend, Pierce (and \$3,300 of his money in a few hours after first forming his acquaintance), in preference to the mandate of the highest court of the country, and then swore that he thought the Waters-Pierce Oil Company was an independent one.

Carrollton Chronicle.

The Bailey papers over the State lay particular stress on the large crowds that gather to hear the accused Senator all over the State. Quite natural for people to want to see and hear a United States Senator—especially the junior Senator from Texas—they want to see what kind of an animal he is. Immense crowds turned out to see Roosevelt when he was touring the State, too, yet Texas is still decidedly Democratic.

Cameron Herald.

The professional kid glove Democracy are usually supporters of Joe Bailey, while the true blue Democrats, who believe in right and justice prevailing under any and all circumstances are teeth and toe nail against "Coal Oil Joe."

JOE BAILEY, PRINCE OF BORROWERS.

K. Lamity's Harpoon.

I always endeavor to be fair, and if I am not, it is an honest error. Ever since the anti-Bailey controversy began—yes, even since the readmission of the Waters-Pierce, alias Standard Oil Company into Texas—I have been morally certain of two things, and recent developments have merely confirmed my former convictions. First after the Attorney General had whipped old Rockefeller and his pal Clay Pierce clear out of Texas, the oil monopoly was readmitted solely through the political influence of Joe Bailey.

Second, that such action (even admitting that no monetary consideration was received) was wrong—absolutely wrong—on the part of Bailey, and should eternally prohibit him forever after from representing Texas people in Congress.

Nobody knows the justness of the above proposition more than Bailey. He has known it all the time, but the public has not been aware of the seriousness of the situation, until forced into an investigation over the vigorous protest of himself and every one of his supporters, facts have been proven that have startled the whole country.

The supporters of Bailey started with the wrong war cry and wrong method for securing vindication of this prodigy in single and double-handed borrowing. They began by the indiscriminate abuse, slander and bulldozing of every Texas Democrat who even insinuated that he thought the matter should be investigated.

"Liars, thieves, blackmailers, scoundrels, hyenas, slanderers and sons of ————" were only a portion of the epithets applied to thousands of honest Texas Democrats, who for the last fifteen years have been voting and yelling for Joe Bailey until they ruptured their nether garments from Texline to Laredo. These hypnotized whooping howlers are not much to blame. They took the cue from their leader who never made a speech without applying the above epithets, "if de ladies weren't present," to use Col. Garner's favorite expression. Leaving out every single charge that was

made during the investigation, the language used by Joe Bailey during his campaign for re-election, is enough to forever bar him from the United States Senate, and relegate him to the position of chairman of the United Brotherhood of Ancient and Antique Vulgarians of the United States. His undisputed claims to this honor will be appreciated when we remember that these hack-driver epithets by Mr. Bailey were applied to honest, conscientious Democrats, who never before had spared time, money or labor to advance him to the high position he occupied.

No one has ever accused Joe Bailey of stealing—yet. The worst that has been charged is, that he has received large and valuable favors from the Waters-Pierce Oil Company, alias Standard Oil Company, for the aid he extended them in being re-admitted to Texas. He does not deny receiving what he politely designates as “loans” from the oil trust, but says such favors were only on account of “personal friendship,” and not on account of “political influence.” The evidence adduced, showing that Joe borrowed several thousand dollars from Clay Pierce, alias Standard Oil Company, inside of 48 hours after he first met him, easily places Joe twenty-seven laps ahead of Mr. Micawber, Madam Humbert, and makes Cassie Chadwick look like a pair of busted Jenness-Millers.

I don't blame Joe Bailey in the slightest degree for borrowing this money if he wanted to borrow it. But at the time he accepted these favors from the Waters-Pierce alias Standard Oil Company, he should have resigned his seat in Congress. It was wrong for Joe Bailey to attempt to represent the people of Texas in their deadly and fierce battle against the Waters-Pierce, alias Standard Oil Company, and at the same time be indebted to that company for thousands and thousands of dollars. Every dollar he borrowed and enjoyed of the Waters-Pierce, alias Standard Oil, money bore the stamp of honest labor, for it was wrung from the toilstained fingers of Texas wage-earners by that ravenous and merciless monopoly. Joe Bailey positively knew it, and I hope he enjoyed it.

Poor people furnished that money on compulsion, because poor people burn oil lamps, while rich people use electricity and gas. The average Texas Democrat did not even dream of the disgraceful conditions existing. He knew he was being robbed openly, but he could not help himself. He knew that the Waters-Pierce, alias Standard Oil Company, was compelling him to “hands up” while it went through his pockets and took his money, but he never even fancied that said company was lending the same money to his champion in Congress—Joe Bailey. But these are absolutely undisputed facts—admitted by Bailey himself. If it was not the “shame of Texas,” please christen it.

Bailey concealed every important fact of his treason to his constituency until the truth was squeezed out of him like a compress squats the wind from a cotton bale, and when exposure can no longer be avoided he defies the very men who have been plundered by his trust friends, calls them every abominable name he can think of, and threatens physical and political annihilation to every one who dares open his mouth in righteous protest of such corkscrew political manipulations.

But this Mississippi Sonder—this Borrowing Warwick, overlooked a bet, when he underestimated the character of the honest yeomanry of Texas. He failed to remember Goliad, the Alamo, San Jacinto, and the dark days of '61-65. He overlooked the metal of Texas Democrats and tried to bluff them. It was a fatal error. They asked for information which they had a right to ask, and were told to shut their mouths. They said they did not believe it proper for their representative in Congress to even “borrow” large sums of money from the oil trusts that were grinding the very lives out of them, and Joe told them he would “drive every man who opposed him into the Gulf of Mexico,” and attempted to make his threat good.

Texans are easily led, but they won't drive. Santa Anna tried it. E. J. Davis, backed by United States muskets and nigger soldiers, tried it. It won't work—as Joseph has doubtless discovered. Texans have been butchered, massacred and plundered, but never whipped or bulldozed. They were not even whipped in 1865. They were tired and came home to rest, but not whipped, intimidated or conquered. They could probably be killed out, but not “chased into the Gulf of Mexico.” They never

would go further in that direction that San Jacinto, and then there would be a fight to a certainty.

If Texas Democracy has not reached its political San Antonio during the Bailey investigation, I am sadly mistaken. When Joe Bailey was elected to the United States Senate (while serious charges against him were being heralded broadcast over the country) Texas Democracy met its political Alamo. I care not a whoop in hades what others may say, but I brand that legislative act on both sides, in box car letters, "*SHAME.*" It was unprecedented, unheard of, undemocratic and unjust to the fair name of the best State in the Union.

In my opinion Joe Bailey has not acted fairly and frankly with the men who made him what he is. He accepted the championship of their rights, and has aided, abetted, and given comfort and shelter to their enemies. What would you think of the commander of a fort who, after the enemy had scaled the walls and were beaten out by the brave defenders, would himself open the gate for the enemy—and hold it open? What would you think of Charles Culberson, or any other Texas Senator, who would go to 26 Broadway, New York, be introduced to Clay Pierce or John D. Rockefeller (they are partners) and borrow money from them at first sight? And added to this, what would you think of the Senator who does this and immediately follows it up by using his political pull to have said trust re-instated in Texas and permitted to resume its business of highway robbery, after it had been kicked out from the State by the Attorney General, acting under Texas laws? You need not hem and haw about it. Just tell me what you would think of such actions in any other Senator, leaving out Bailey—the immaculate—Bailey, the political immune. Squirm and wiggle, twist and dodge all you please—it's not right, it's not just—it's not honest and it's a shame on Texas.

"Upon what meat doth this, our Caesar, feed
That he is grown so great?"

"By heaven, I had rather coin my heart,
And drop my blood for drachmas, than to wring
From the hands of peasants their vile trash,
By any indiscretion."

If this be treason, make a meal of it.

Hallettsville Herald.

* * * Despite all the whitewashing it has been shown that Bailey hobnobbed with capitalists and corporations, advised them and borrowed money from them, and was at their beck and call. While representing the people of Texas as their United States senator, drawing a salary of \$6,000 per annum, for his services, he was at the same time legal adviser for the Waters-Pierce corporation and assisted them in being readmitted to the state, when the state of Texas was bitterly fighting the Standard Oil's creature. It was a plain case of Dr. Jekyll and Mr. Hyde.

BAILEY RICH, RE-ELECTED AND RUINED.

Home and Herald.

A wreck is one of the most pathetic things in the world, whatever it be—a railroad train, a ship or a good name. Senator Bailey has been a fine figure of a man in congress for many years—many for one so young. Endowed richly by nature, both in body and mind, he has had a keen eye for opportunity, great industry, and the faculty for making friends. And out of it all he has—money—only money. His gifts, his opportunity and his good name are piled up on the gold coast where so many wrecks lie bleaching. What makes it all the more pitiful is that immediately on the heels of his conviction at the bar of public opinion, of having taken dishonoraria from the enemy of his state and his country, he drags himself into the very spotlight of publicity by getting himself sentenced to the senate. The conduct of himself and his friends in the matter of his re-election dissolves the presumption of his inno-

cence that the law attaches to every accused person, and shifts the burden of the proof from the prosecution to the defense. He knows whether the charges were true or false. If they were false he had only to step out into the open and defy his accusers. No amount of political chicanery could have secured his conviction if he had been above-board—and innocent. His acquittal would have been not only a vindication, but a triumph, and he would have returned to Washington dragging his detractors at his chariot wheels. As it is, he returns a ruin, self-robbed of any possibility of repair. He can probably prevent a formal conviction in the pending investigation, and he will feel no embarrassment among his fellow senators, seeing that such law practice and law practices as landed Burton in the penitentiary and himself in the "Guilty but not proven" peanut gallery of innocence, until now have been well within the senatorial dignity and morality, but though he is as free as the wind and the boss of Texas, he will wear stripes in public estimation to his dying day. He is still a marked man—marked down.

BAILEY THE BLOWHARD.

Mr. Bailey spoke at Cumby, Hopkins County, Texas, July 12th, 1907. The following classical and analytical estimate of the man and his address is from the pen of Mr. G. W. Morton, editor of the Cumby Rustler:

"Joseph W. Bailey spoke to an immense crowd in Cumby last Friday—a crowd larger than even his best friends expected. And his friends were not disappointed. The 2,500 people that jammed the tabernacle and extended far out on all sides gave him a great deal of applause.

"He is an interesting speaker, has a big voice, a splendid physique, a big brain and self-confidence enough for three men.

"I got close to him and enjoyed his speech, as much or more than I expected to before I saw him. The confidence and egotism of the man is a source of constant wonder. But that is a measure excusable in a man who has unusual ability. Such a trait can be admired in him but despised in a weakling.

"Joe is the bravest man I ever saw. He would fight till all the ground for miles around was covered with his blood. Then as soon as he caught his breath he would go in again. Joe makes that point clear himself.

"And he will have to fight to the death. It is honest politics against corruption in office. There can be no compromise. He may hide the issues by his eloquence and by appeals to the old soldiers, the preachers and the politicians wanting a job and who hope to ride in on Joe's coat tails, but his \$250,000 from Kirby, his thousands from Pierce, both the active and direct robbers of the state, prove him beyond a doubt to be as corrupt as the men whose tool he is today. His standing in the Baptist Church won't save him, his endorsement by the Methodist pulpit of Texas will only briefly stay the tide that is surely drifting his private bark upon the rocks. He sees the breakers ahead more clearly than we do. His suffering of soul is not from the opposition of enemies as he says, but it is from the consciousness of a deliberate prostitution and destruction of a national reputation and great talents for money. There's the rub.

"I was a little disappointed. Joe is not as big a man as Bryan in any sense of the word. His face says he is not as good a man as Bryan and his speech confirms it in every way.

"But I am somewhat prejudiced. Of course I am. He made no attempt to allay prejudice either. He was merciless in the castigation of his opponents. I sat there for two hours and took the most merciless skinning I ever received. It was not pleasant, but interesting. The study of the man was worth the pain. And there would have been little pain attached to the proceeding but for the fact that friends and neighbors of half a lifetime enjoyed and applauded it all. This coupled with the disposition of some on the streets to insult whosoever swears not by Joe is a little unpleasant, to say the least. This coupled with the actual sacrilegious use of the scriptures and the applause and amens of the preachers present is an experience not soon to be forgotten.

"Probably one half the crowd was with Joe. The other half was there from curiosity.

"He cursed and discussed his enemies, dismissed them often and returned to them as often, lingering over them with a volubility of abuse and hatred that was sweet to his feelings.

"This part of his speech was indeed great and eloquent. It brought rounds of applause. I have heard the bully in the backwoods berate his enemies, I have heard the street loafer villify everything and everybody in sight, I have heard irate females let loose their pent up wrath on defenceless heads, I have read Bran's Iconoclast and the Rip Saw, but in venomous hatred of both word and mannner, in an elegant style, Joe beat them all. Nothing and nobody that dared oppose him was spared.

"Light work this for great talent. A voluble tongue and an absence of conscience that turns loose that animal in man and the thing is done. It's a dead easy job.

"In the intervals he discussed the tariff, the income tax, the election of senators by the people, in a very able, if not original manner. He also paid several tributes to the old soldiers of the South—but few of the veterans were on the platform where seats had been reserved. They refused to occupy them. Some of our veterans can't be caught by a little cheap taffy, not much.

"His friends here assured his opponents that Joe should make a straight Democratic speech and should not abuse his opponents, but he put in more than half his time doing it. But I don't complain. I only wish he had put in all his time that way. He told how he suffered during the investigation at Austin, and the preachers should have answered, "whatsoever a man soweth that shall he also reap," but they didn't. He told of his efforts in congress to curb the Standard Oil, but said not a word about their money that makes him rich. Back of that declamation and martyr-posing and attitudinizing, back of it all stands the open treasure vaults of Pierce. Back of all stands Francis who virtuously paid Bailey's note and afterwards proved to be a partner of Pierce.

"Back of all the pleading and appeals stands the great wrong saddled upon Texas by Bailey's advice and directions. Back there stands Kirby, the lumber king, the purchaser of courts and men. Then way back yonder stands Rockefeller who pulls the string and makes the puppet's dance for the amusement of fools while he picks their pockets.

"His coming here was unfortunate. The bitterness and sores of the campaign, were slowly healing, friends could talk without much show of feeling. But contrary to the promise of his friends, he came and tore open the old wounds that will take years to heal. Joe was elected. He had triumphed over his opponents, as wrong often triumphs, and there was no need to further fan the flame of hate. It will be a harvest of bitterness for years. It will not stop now. Men who believe a public servant should represent the people and not their enemies and robbers, say they will have a man here to answer his tirade of abuse and show him in his proper light.

"We failed to hear his introduction by Rev. Charles Bounds. Joe's opponents say the introduction was better than the speech.

The reporter of the Record says.

"He was introduced by Rev. Charles L. Bounds, who paid a high tribute to his lofty character and brilliant career. Among other things, he said the speaker of the day is the greatest product of this generation. He is a man whose masterful intellect towers, like Saul, the son of Kish, who from his shoulders upward was taller than any of the people."

"The young man was happy in picking the illustration he did. A fitter type than Saul can not be found. Bailey, indeed towers above his fellows, he is brilliant and fascinating. He rose at once from obscurity to the highest place in the gift of his people. He was their idol and their joy. Saul did so, too. No man or nation was able to stand before him. But at his height he forgot the hand that made him and upheld him and, according to the young preacher's sermon on the following night, Saul and his bright career went down in darkness, defeat and shame.

"A fitting type for the setting sun of Bailey's brilliant career.

"I thank thee, Roderick, for the word.' Instead of slaying the Amalekites as ordered, he brought back their choice possessions.

"Joe made a great onslaught on the corporations he was expected to curb or destroy but he brought back their wealth and says he will do it again.

"No, he has not fallen yet, but his own labored efforts say more plainly than I can say it that retribution is driving him hard."

BAILEY'S PARTY RECORD.

The Texas Farmer.

We venture to suggest that nominations by the primary system of United States Senators are only advisory. Senator Bailey claims to be a good constitutional lawyer, and he should know that no primary nomination is binding legally upon the members of the Legislature who elect senators, and in some instances is not binding upon them morally.

Then "Joseph" should remember that the members of the Legislature who voted against him followed the precedent set by himself in numerous instances. They knew that when the National Democratic convention met in Chicago in 1896 Bailey openly, boisterously, fought the selection of Mr. Bryan as temporary chairman of that convention. They heard, too, that when Mr. Bryan was nominated "Joe" sought him at his hotel and told him in the presence of numerous friends that he was no Democrat and ought not to have been nominated. They have not forgotten that Bailey, in a published interview, which was given out in a Chicago and Texas paper, said he could not support Mr. Bryan because he was no Democrat. The members who voted against him remember, too, that in a published communication Bailey declined to run for the Democratic nomination for Congress in his district. They cannot forget that "our Joe" after the convention adjourned at Chicago, went on to Washington in pursuance of his determination not to run, and that, in the meantime, four or five other candidates came out for nomination in his place. They remember also that Bailey hurried home from Washington; that when he reached Gainesville he addressed a public meeting. In his speech, which was filled with denunciations of Mr. Bryan and of his policies, and in which he said that Mr. Bryan was no Democrat, he then told his audience what he stood for; that if, with that explanation of his position they wished him to run he would run; like Barkis, "he was willin'." It is not forgotten, either, how the committee was manipulated by Bailey's friends, and that at his urgent insistence a new convention was not called. If Mr. Bailey has forgotten this chronicle of his actions on that occasion and the speech he made we can furnish them to him. The members who voted against him remember that in 1898 the State Democratic convention met in Galveston; that a committee on resolutions was selected, and that Bailey appeared before it and vigorously antagonized and fought any platform declaration by the committee and by the State convention in favor of the policy of expansion. They recall, too, that when Bailey was turned down by the committee he appeared before the convention and in a long speech denounced the platform declaration on that question. When he was defeated in the convention by an overwhelming majority, it was believed that Bailey, like a true, brass-collar Democrat (as he now says he is) would submit.

"But not for Joseph; no, no, no!"

He repudiated the action of his party instantly, vigorously, and insultingly. When the Democratic convention of his congressional district met to nominate him as its candidate for Congress a committee on resolutions was selected, the chairman of which was Don A. Bliss, of Sherman, Texas, a gentleman who in the span of his life has sometimes given an increased circulation and an additional significance to the aphorism, "Ignorance is bliss."

Mr. Bliss, chairman of the committee, reported a series of resolutions to the convention, which, in clear, unmistakable language, openly repudiated and denounced the State Democratic platform on the issue of expansion. When the resolutions were adopted Mr. Bailey appeared before the convention and in his address again denounced the action of the State convention, and openly announced that he would not be bound

by its action, although he had been a delegate to that convention, yet upon every principle of party loyalty and party fidelity was bound by its action.

Bailey will recall, we are sure, that once upon a time the late Senator Quay, of Pennsylvania, was a Republican candidate for election as United States Senator by the Legislature of that State. Bailey cannot have forgotten that there was among the Republican members of that Legislature a formidable revolt against the election of Mr. Quay by a large section of the Republican members of that Legislature. He knows, too, that at the time, although the Democrats were in a hopeless minority in that Legislature, yet, they had put out a regular candidate for nominee as United States Senator. He cannot have forgotten that when that fight was at the height of its fury he wrote a letter or gave out an interview in which he stated that if the Democratic members of that Legislature could hope to elect a Democrat as Senator they ought to vote for him, but if it was manifest that they could not elect a Democrat he would rather see Quay elected than any other Republican, and hoped he would be. Will Senator Bailey publish this letter or interview? With all this scope of precedent before the members of the Legislature who voted against him, can he not find some excuse for them in following precedents set by Bailey himself on several occasions? Are they liars and scoundrels simply because they followed their own convictions and the precedents set by Bailey?

Among the strongest and most noteworthy editorials during the senatorial controversy in Texas, was the following from the *Houston Chronicle* of date March 3rd, being inspired by Mr. Bailey's final address to the Thirtieth Legislature on the night of his so-called exoneration, but of his real dishonor:

BAILEY DOCTRINE OF PURE HATE BORROWED FROM INGERSOLL.

Robert Ingersoll, the arch infidel and Yankee colonel who was captured in a cowpen by a beardless boy, in order to atone for the cowardice then displayed, impotently longed for words of pure hate, words that would "twist and writhe like serpents" in order to express the venom of his soul against the conquered and stricken South.

Senator Bailey, in the hour of his state's humiliation, borrowed the language of the last wave of the bloody shirt, and gave him credit for the sentiment in order that he might emulate the wish for power of searing, poisoned words to express an undiluted and concentrated hate toward every man in office or in the state who would not cringe at the crack of his whip and deliberately call good evil and evil good and darkness light and light darkness.

No political serf might at the risk of his political life dare even to temporize or ask for delay, but he must obey the voice of his master and swear that the repulsive soul of this political Mokanna was a thing so pure that it alone was fit to dwell in the holy of holies of democracy.

Legend says that Pope John ordained his horse an official of the church, and made the college of cardinals ratify the choice.

Nero declared that he was a deity, and ordered that the honors of divine worship be paid to his statute, and the Roman senate confirmed the decree.

Antiochus Epiphenes sacrificed a sow on the great altar of burnt offering at Jerusalem and forced the Jews present to worship as the smoke ascended.

Only in such repulsive parallels can an analogy be found for the scene of servile sycophancy, when a majority, closing their eyes to the facts, and stopping their ears to the evidence, lifted on their shoulders as their lord the thing that the world knows as the creature of the Standard Oil.

A Turkish sultan, son of a harem slave, makes the first act of his accession to the throne the slaughter of his half-brothers.

A Grecian despot reaped with his cane all the heads of wheat that stood above the rest to give an object lesson as to how to maintain supremacy.

Sulla, the tyrant, gave to his executioners the lists of the Roman nobles who had opposed him, and Machiavelli taught what Cæsar Borgia practiced, that in some way, by rack or cord or poison, opponents must be removed.

All of these worthies were content to carry out their edicts largely through

agencies. Caligula indeed wished that all mankind had but a single neck that he might sever it at a stroke of his sword, but Texas has produced the spectacle of a man who preaches the doctrine of hate at the same time when, like Nero, he deifies himself, so that to oppose this egomaniac who usurps the prerogatives of Jesus Christ is to be an "infidel."

He borrows the language of Ingersoll to denounce his opponents, and makes himself not only the essence of the democratic party so that it is proclaimed as party treason not to do his will, but also of such immaculate conception that his enemies are damned as "infidels."

In the same breath he boldly preaches the doctrine of incarnate hate, hate satanic and dynamic, hate pure and applied and swears himself and his children, as Hannibal took an oath against Rome, to a never sleeping vengeance against thousands of his fellow citizens, the lieutenant governor and attorney general of his state, forty odd members of the house of representatives, fourteen members of the state senate, one hundred and sixty newspapers, the majority of the citizens of the county in which his oath was taken, and every man in the length and breadth of the land who has been guilty of the lese majeste against Bailey of protesting when the honor of the state was dragged at the tails of the steeds of the twin oil trusts.

He will print a black roll, an index expurgatorious, of the men who shall never hold office in the state.

He swears he will bring to bear all the power of a senator's influence in the ward, in the precinct, in the county, in the district, and in the state, and boycott every man who opposed him, blacklist him from every civic honor, close the door of every political preferment in his face, and render him as incapable of being crowned with civic laurels as if he had been by judicial means deprived of his citizenship.

He will not only oppose but he will depose. He will say to the democracy of Texas: "You have chosen a man for lieutenant governor who does not please me. Retire him! Your attorney general has attacked my treasury, the Waters-Pierce Oil Company. Scourge him from office!"

He will come to Harris county and to Travis county, and to the other counties in this state whose representatives were numbered with the immortal minority, who were not to be cajoled nor terrorized nor deceived, nor bulldozed nor flattered into submission, and he promises on demand of any friend of his who may covet their togas to force the people of these free counties to retire the men of their choice and put in men who will not protest though he thrust his fingers larded with the loans of the trusts into the most delicate problems of municipal regulation.

Boss Tweed was not so open nor so arrogant in his tyranny.

Shamelessly the terms of the bargain with his henchmen were blazoned in the open: "These men stood by me, and I will stand by them," he said. In their hour of need I will come to their counties and will force the weak and twist the pliable and lure the mercenary and flatter the foolish and put them in office.

No sultan, no kaiser, no czar possessed of the undisputed patronage of the offices of a nation could ever have dealt out threats and promises with so lavish a hand.

No despot ever rapped the principles of individual liberty so arrogantly as this man has done.

The Chronicle dares to say that this bully cannot enforce his threats, that this braggart cannot fulfill his promises.

It dares Bailey to enter the list in the counties against the senators and representatives, against the lieutenant governor or the attorney general.

We also will keep both lists, and while we do not pledge ourselves to keep the flames of hatred forever burning and to hold the tomahawk forever bare and the scalping knife forever unsheathed we venture to believe, because we believe in God and not in hate, that the time will come when the awakened democracy will weep over the deed of shame that sent Bailey back to the senate, will purge her desecrated altars, and will honor the men who did not bow the knee to the bloated fetich of the money god.

The Chronicle believes that men who do not despise poverty and who do not forsake the friendship of the humble and the simple ideals of the old-time democracy

for the friendship of perjured trust officials, who allowed their pampered, jaundiced hides to be sucked by political loan leeches, are our true representatives, that faithfulness to trust shall eventually be ranked above the worldly gifts of the orator, or the spell-binding brilliance of the demagogue, and that the ideals of Coke and Reagan and Culberson and Lanham and Hogg will again be regnant and triumphant.

No man who builds on a platform of a full meal barrel for himself and hatred and revenge towards his enemies can eventually triumph, and although Senator Bailey be borne on the shoulders of his Praetorian Guard to a seat of office and spit his venom in the face of the world, after all not he is the dispenser of the world's gifts, but there is One above of whom alone it can be said "He hath put down the mighty from their seats and hath exalted them of low degree."

The following editorial appeared in the Galveston News of December 25, 1906:

THE ONLY MAN WHO SEES NOTHING WRONG IN IT.

Senator Bailey's organs admit that his loans from the president of the Waters-Pierce Oil Company, a branch of the Standard Oil Company, were a "grievous mistake." It is alleged that even his closest friends, in the long conferences over the interrogatories propounded by the Attorney General, seeing deceit and evidence of guilt in a suppression of the fact that the "larger note" to Pierce was for \$25,000 urged Senator Bailey to set forth the amount thereof in his answer, so that the people might know the whole truth, which Senator Bailey refused to do.

Even his closest friends agree that he has been guilty of grave offenses, yet Senator Bailey insists, in spite of all the exposure and scandal of it, that, even "if all that they allege against me were true, it would be nothing wrong." These are the words of Senator Bailey in his speech at Proctor.

Now let us see. It is alleged against Senator Bailey that he has been for years in the regular employment of the Standard Oil Company. If this is true, must we agree with him that "it would be nothing wrong?" It is alleged by many that Senator Bailey bodyguarded a branch of the Standard Oil Company back into Texas, and that he received for such service and for "quieting all parties in Texas" loans as follows: \$3,300, \$200, \$1,500, \$1,750, \$300, \$2,000, \$8,000, \$25,000 and \$156,000. Do the people of Texas agree with Senator Bailey when he declares, "If all that they allege against me were true it would be nothing wrong?" It is alleged that, while pretending to serve a Democratic people, busily engaged in efforts to rid themselves of trusts, Senator Bailey, on a salary of \$5,000 a year, has cleaned up, as the attorney, agent, friend and servant of the people's greatest enemies, over a million in trust money since he met "Dear Pierce." Do the people agree with him that, "if all they allege against me were true it would be nothing wrong?"

Senator Bailey is "alleged" to have done some things which he probably did not do, and certain of his "alleged" offenses are of a most serious nature, yet he sees nothing wrong in them. He is righteous and above reproach. He is alleged to have betrayed, deceived and scandalized his people and his party by engaging to "quiet all parties in Texas" in the interest of the people's greatest enemy. He is alleged to have concealed the facts and to have deceived the people who have implicitly trusted him. He is alleged to have slandered and vilified the Texas press by which he has been served, applauded and extolled. He is alleged to have depended upon suppression of the truth, concealment of material facts until they were forced out of him, and to have depended upon evasion, trickery, villification and false accusation as his chief means of defense. Do even his friends, his closest friends, agree "if all they allege against me were true it would be nothing wrong?"

The News does not believe that all the allegations against Senator Bailey are true. Naturally, there are those who are so utterly indignant, because of the matters which he has himself confessed, that they are inclined to allege against him offenses which he has not committed; but his sweeping assumption of innocence includes these with the rest.

If Senator Bailey means what he says, then his remarkable ideas as to right and wrong form a wonderful lesson in psychology and in moral philosophy. Does he

really know no difference? He insists that "if all they alleged against me were true it would be nothing wrong," when if Texas had in the Senate today a Populist or Republican Senator and he rested under the same allegations now made against Senator Bailey, Senator Bailey would damn him even more violently than he damend Senator Burton, and would probably lead any crowd of indignant Texans who felt moved to hang the betrayer of the people to a telephone pole.

The service which the people of Texas desire a Senator to perform can not be rendered faithfully by any man who entertains any such notion as to what is right and what is wrong.

TRUTH ABOUT THE BAILEY PROBLEM.

By his own confession, Joe Bailey has established the fact that he is not only a Star Graftor, but is a Traitor to Texas Democracy.

K. Lamity's Harpoon.

If there was still lacking one single thing after the recent alleged investigation to forever put Joseph on the cooling board that speech of his before the Legislature supplied the deficiency to a nauseating degree. Never before in the annals of Texas history has a Texas audience, much less a Texas Legislature, sat and listened to such Billingsgate as fell from the envenomed and putrescent chops of this Political Mississippi mudhen. It was like the despairing effort of the mortally wounded fitchew, which in its dying agonies always fires a departing shot of stench at its enemies.

But Joe was certainly mad, wasn't he? In his superhuman conceit and gigantic gall he really believed he had all Texas at his feet. If any one had even hinted to Joe Bailey that the backbone of the Democratic party in Texas—the truly sincere and honest Democrats—would not stand for such high-handed grafting as he has been practicing he would have scouted the idea. What? He! Joseph Weldon Bailey—the imported political Wonder of the Nineteenth century, turned down by the Texas Democrats? Not much! But

"The best-laid plans of mice and men
Gang aft a'glee;"

and when Joseph came before the Democracy of Texas smelling like a real oil pipe line it simply "spewed him out," and hence he is mad. He has in his wrath branded as liars, thieves and scoundrels, perjurers and sons of —— every man who is not in favor of giving him a seat in Congress, paying him for it and then permit him to do a general promiscuous grafting stunt with Clay Pierce, John Rockefeller and any other trust boss who wants to buy political leverage. Joseph, you are politically dead—dead as a salted mackerel—and it's your own fault exclusively.

I really enjoy a good show if I am able to classify the exhibition, but really, that immortal "Bailey Investigation Committee," which cost the taxpayers of Texas over ten thousand dollars, would be an easy winner in a freak contest. It was a little expensive, but I contend that it was worth the money. It beat anything I ever saw, and I know I've seen a dozen or more things. Up to date Texas has lead the world in everything. In the future I trust that history will hand down to posterity a full account of the "Bailey Investigation Committee," so that the scientific searchers after abstruse and difficult problems and puzzles can have something to work on. I believe it will hold them for quite awhile.

When an investigation was first proposed Mr. Bailey was violently opposed to it. He even arose and megaphoned to the Democrats of Texas: "*There will be no investigation,*" and instantly the echo came back from his gang of hypnotized whoopers, "*There will be no investigation.*" Texas people always assume that a man is innocent until he is proven guilty or voluntarily acknowledges his guilt. Innocent people do not fear or object to their conduct being investigated, and hence Texas Democrats wondered why on earth Mr. Bailey was objecting so strenuously to having his private dealing with Standard Oil laid bare. But since we have succeeded in even obtaining a limited, biased and farcical alleged investigation into Joseph's transactions with that great commercial pirate, Standard Oil, no one now wonders why he objected, or blames him for it. God knows I don't.

When the investigation was being agitated, Joseph reminded me of a sand crab. He was as restless, disconsolate and nervous as a jackass in a hailstorm, and like the sand crab, would advance, retreat or sidestep without ever changing front. He traveled a lot without going any great distance and tramped down the grass in a circle like a staked broncho. Imitating a "doodle bug," he hung around the Driskill Hotel and dug holes in the sand in which to trap his enemies. Lying quietly at the bottom of the pit, he patiently waited to catch the political insects as they slid into his trap. When one ventured near (even by invitation) and refused to tumble into the snare of their political *Myrmelaeonidæ* (or doodle bug) he began throwing sand showers at him in hopes of causing him to become excited or frightened and drop into the funnel-shaped pit. (See testimony of Sam Johnson and others whom Bailey declared he would destroy politically next time they ran for office because they refused to support him.)

When an investigation was a foregone conclusion, Mr. Bailey got a coal oil move on himself and began one of his famous sand crab sidestepping stunts. With a brazen effrontery and impudence that would have caused the original author of the mule tribe to blush with shame, Joe Bailey declared then an *investigation was exactly what he pined for*—the consummation which he had so devoutly wished. Of course, as soon as Joseph began to sand crab sideways his gang of seraphic squallers almost fell over themselves to "line up" with their oscillating leader. Whatever Joe did was right. If Joe took snuff they sneezed like a gasoline engine. Everything that effected him produced precisely the same effect on them. If he smoked they winked their eyes and lit matches. If he took a chew of tobacco they flooded the cuspidor. Everything was the same—from an emetic to Red Raven Splits—from dandruff to toe itch—and the band played on. It was too nauseating to even be funny.

The proposition having been forced, the Bailey crowd was compelled to agree, and it was loudly proclaimed by the defendant and his life guard that all they wanted was a "*fair, impartial, full and complete investigation*," which was all any honest man could desire—so the show opened.

Now, it must not be forgotten that a very large per cent—really an overwhelming majority—of the true, honest Democrats all over Texas who really wanted an investigation *were not enemies of Joe Bailey*, I am quite aware of the fact that there is a *certain little gang of political eunuchs* in this State that is anxious to see Joe Bailey "downed," right or wrong. These political Pariahs are jealous and afraid of him and want to emasculate him politically, and the miserable whelps are not particular as to how the operation should be effected. Their strength *amounts to nothing*, no matter what side of a question they espouse. I am also aware, however, that there is another gang of men in Texas who want to see Joe Bailey hold the political leadership in this state, no matter what he says or does. This latter gang are *financially interested*, and when you hit a man's pocketbook he jumps higher and squeals louder than he would were you to throw red pepper in his eyes. This gang is powerful—have unlimited resources with which to supply munitions of political war—and it needs just such men as Joe Bailey in Congress to keep their mints coining money. The leaders of this gang don't care a cuss what Joe Bailey does, *just so he don't interfere with their game of graft*. When they need his influence they have the cash to pay for it and are perfectly willing to fork it over. Their motto is "*If you want anything buy it*." It's no trouble for any ordinary man to recognize and locate the leaders of this crowd. Show me a man who is directly or indirectly interested in any sort of trust, monopoly or combine and I will show you a man who will go his full length in hot lard to keep in Congress just such men as Platt, Depew and Joe Bailey.

But prior to his unfortunate and deplorable surrender to the Standard Oil pirate there had never been a man who held a stronger and more conscientious following in this great State than Joseph W. Bailey. He was Texas' political Dowie—the reincarnation of Jefferson, Jackson and all the sainted Democratic leaders who have lived, labored and died fighting the battles of the honest laboring poor of this great commonwealth. His name was something to conjure with. By merely touching his garments or listening to his voice marvelous political cures were effected.

When rumors of that shady transaction between the oil trust and Joe Bailey were creeping out thousands of faithful, honest Democrats sprang up in his defense and branded said rumors as lies. The rumors began to assume more definite shape. Specific charges were being circulated. Singly and collectively they were denounced as lies and slanders by Texas Democrats. Bailey himself came out in absolute denial of many of the various charges that have since been proven true. Of all the dodgers, twisters, squirmers and sidesteppers I ever had the pleasure of witnessing, Joe Bailey is an easy winner. He is as slick as a mud tank eel, and when cornered can travel through a keyhole and escape.

"He wiggles in and wiggles out
And leaves the public much in doubt
Whether the snake that made the track
Was going to or coming back."

Joe Bailey has never been accused by his political enemies of murder, arson or theft. He was simply charged with grafting—of accepting favors in fights, fees or loans from the very men he was supposed to be fighting—hence if guilty he has played his friends false and is a traitor to the honest Democrats who employed him to protect their interests. Has he accepted such favors? He was forced to acknowledge that he has, and in sums so enormous as to surprise and startle his most subservient followers. The first day he met the president of the Waters-Pierce Oil Trust—alias Standard Oil Trust—he borrowed a large sum of money from him and came straight back to Texas from St. Louis and by reason of his political influence in Texas actually succeeded in reinstating the damnable piratical trust in this State and in securing the dismissal of the just charges of which it had been convicted. Such an infernal and brazen miscarriage of justice has never before even been attempted in Texas or any other State. Joe Bailey knew it was wrong; he knew he was violating a most sacred trust, and still he has the galvanized, brassmounted gall to stand up before a Texas Legislature and call every man who opposes such high-handed grafting "liars, scoundrels, thieves, slanderers and sons of —." It takes gall for a man to do that when the pure, refined coal oil can be seen oozing from every pore of his skin.

But that investigation! Wasn't it a prize squash? A majority of rabid hydrophobic Bailey advocates were placed on the committee. That was "fair," of course. When testifying in his own behalf Joseph was as glib as a hired girl, but when it came time for "cross examination" he simply *refused to permit the prosecution to question him*. That was "fair" of course—*like hell!* Who ever heard of such a miserable, silly, puerile travesty on justice? I only hope the time may come when Joseph will be compelled to face quite another sort of tribunal of justice, and that he may attempt some of his high jinks—and get himself "sat down on" good and strong.

By his own confessions—leaving out all other testimony—Joe Bailey has proven himself a high-handed grafter and a traitor to the Democratic party of Texas that made him what he was—not what he is. He has ripped, reared, roared, cussed, slandered and villified every honest Democrat who dares object to him using his political prestige for money making purposes. He knows that his race is run and that never on earth can he regain that respect and esteem of the thousands of humble though honest men whose loyalty to him has been so wantonly and shamelessly betrayed. He cannot run with self-confessed perjurers like Clay Pierce and claim him as his "warm-blooded millionaire friend" and herd with an honest Democratic voter. He may be real smart, but if the preservation and success of the Democratic party is dependent on Joe Bailey it had just as well sing the doxology, look to the Lord and be dismissed. He must not get the idea in his head that he is the only berry on the dill bush. Texas Democracy did fairly well before this great Mississippi Miracle ever saw the Lone Star State. We would do much better to have more old-fashion honesty and loyalty and less coal oil.

BULLY BAILEY BELCHED OUT FIRE AND BRIMSTONE IN HIS AUSTIN SPEECH.**The Texas Coaster.**

Bully Bailey has outgeneraled his enemies. Had they known his intentions to retire after six years they might have been easy on him. Now he declares he will stay in the senate for 18 years, whether he lives or dies, survives or perishes. The Bailey Bulldozer has gone forth and he will be there or have to swallow his words. He has also issued a bulldozer that every state officer save the governor must retire; also that forty representatives and eleven senators must walk the plank. No monarch that ever sat on the throne of an absolute monarchy, embellished with all the tyranny of the world ever defied the people with such Bulldozers as Bully Bailey has flung into the faces of the Lone Star State citizenship. No dictator ever assumed more power than the egotistical, arrogant Bailey when he uttered his revengeful remarks against freemen of Texas and took unto himself the authority to cast the majority vote of this great state. Woe unto the citizen that surrenders his vote into the hands of Bailey or any other man, be he a senator or an angel. Will Texas freedom surrender her liberties and God given privileges into the hands of one man? Bully Bailey says they will, and he is the great "I am" that will cast that vote in the next election. Perhaps the honorable senator believed that in six more years he would have put H. Clay Pierce and the Standard Oil Company out of business and left them financial wrecks upon the breakers of finance, while he could retire with the booty to a quiet secluded spot with his friends and spend the remainder of his days in quiet and sumptuous plentitude. Now that a small suspicion has been aroused by the investigation at Austin and Bailey has put H. Pierce and Standard on notice of his past scoops out of their money till, he figures that it will take him three times as long to divest these trusts of their lucre. Therefore eighteen years will see the consummation of his ambition, when otherwise it would have taken six. Joe seems to forget that Caesar had his Brutus; Napoleon his Wellington and King George his Cromwell. He should remember and profit by their experience. The Senator has not been as cautious as Scipio; he failed to place a friend for a guard to remind him of the plaudits of the people. There is no doubt but what the honorable senator planned, constructed and equipped the "Trojan horse" and wheeled it into the city of both his friends and enemies in the night time, and direful will be the destruction, struggle and shipwrecks before Texas democracy will reach the haven of rest on the Hellespont.

BAILEY AND THE COUNTRY PRESS.**The Texas Coaster.**

We pity the country newspaper editor with a shirt raveling backbone, with a ring in his nasal appendage and a cough in his weak chest every time some political boss clears his throat. Senator Bailey made the public charge that 500 country editors were bribed at \$1.00 per head. Yet we find not a few sap headed, sycophantal, fawning bootlickers down on their knees groveling in the dust, begging favors and courting the good will of an insulting bully. So far as the Coaster's policy is concerned it will criticise friend or foe when it sees fit and proper. It will give and receive jokes in a loyal spirit of friendship, but when any man flies into a rage, spits in our face and calls us a liar and a bribe taker, we will resent it as an insult until our dying day, and rather than make apology to such a brazen insult we would crawl in a sink hole or sewer pipe and eat snails and garbage with the swine.

DALLAS BANQUET.**Riley's Rounder, Dallas.**

Arrangements are under way for a banquet to Hon. William A. Cocke. If there is one man in the State to whom the people owe a deep debt of gratitude for the service rendered Texas in the Bailey controversey, that man is Cocke. He, at least, never wavered in the cause of public righteousness, but held his ground against tremendous odds.

THE BOSS RAMPANT.

Hilton R. Greer in *Austin Tribune* Feb. 28, 1907.

Egotism in excelsis!

Vesuvius spouting vitriol!

Bossism, victorious and vindictive!

Wearing a new won halo about his imperial head, his face flushed hot with the intensity of his emotions, and with a tongue too slow to give expression to the molten torrent of invective and bitterness that welled up from his inmost soul, Senator Joseph Weldon Bailey, last night, in the presence of the Thirtieth legislature, which had exonerated him, and of an audience of private citizens which had gathered to hear him, let fall from his lips one of the most remarkable addresses ever delivered by the senatorial representative of any people; an address whose slogan was "relentless retaliation."

Richard, for one night, at least, was himself again. Not Bailey the senator—dignified, strong in honesty, lifting his head loftily above his "traducers and calumniators;" but the true Bailey—bitter, bestial, brutal!

No pledges were given to his people or to the legislature which had exonerated him that he would in future profit by the "indiscretions" which had so nearly compassed his downfall; that he would avoid entangling alliances, and that he would strive to uphold the pure white banner of a stainless record for all men to see. Not so. Instead, for more than an hour he indulged in as bitter a tirade of denunciation and vindictiveness as ever fell from the lips of a southern senator. If there is any time when true worth and gentlemanliness should shine with unwonted luster, it is when a man has triumphed over a host of malicious assailants, and dignified utterances then if ever should characterize an address to the people.

Cæsar, triumphant, can afford to be magnanimous and forgive. Not so with Bailey. He proposed—he, the Most Immaculate, the Supreme High Dictator of Texas Politics—to put to utter rout his yelping enemies, and intended to see that few, if any, who had the manhood to oppose him should ever hold public office in Texas again. He proposed to dig their political graves for all time, and dig them broad and deep, burying those poor unfortunates who had incurred his righteous wrath face downward, "so that the more they scratched the deeper down they would go." He proposed to have pictures of the Thirtieth Legislature framed, one containing the "roll of honor" of those who voted for him; the other, "the rogues' gallery," containing all who opposed his complete exoneration in the face of indisputable evidence.

He has taught his children, he declared, to revere the ten disciples who had proved faithful to the lowly Nazarene, and to despise the two who had denied and betrayed Him; and in such wise would he teach them to honor those stalwarts of the Thirtieth legislature who had supported him, and to hate eternally and unceasingly all those who had, like men, fought him honestly, openly and aboveboard.

God of the glorious—such a comparison!

Whither, O Whither, in this age of sordid commercialism and insatiate greed, has true modesty flown? Has reverence for sacred things fled from the hearts of statesmen? Quoting Ingersoll in one breath, and comparing himself to the Man of Sorrows in the other! Christ and his disciples! Bailey and the Thirtieth legislature!

But enough. A high regard for sacred things and an aversion inherent and inbred to linking them with common things of clay restrains from further reference to the remarkable comparison drawn, intentionally or otherwise, by the Senator himself.

But in voicing his bitter and eternal hatred for all those who had the courage to criticise his actions, which were, to quote the language of his friends, "certainly indiscreet," the senator took one step too many, a step that he would be glad to retrace in years to come.

Whatever the honest voters of Texas may think of his conduct in the past; however they may gloss over his relations with an outlawed corporation; whether or not they believe that the investigation was conducted with all fairness,—one thing is certain.

Please God, the people of Texas are still too close to the soil from which democracy springs, to lose the high principles of their fathers, and they will refuse to take a dose of medicine previously prepared by any political boss, real or self styled, and will decline to accept public servants chosen at the hands of any medium in the future.

Texas has never in the past submitted to the demands of a boss or dictator, and as God lives, so long as that spirit of liberty which has been handed down to them by their sires of San Jacinto dwells in the Texas breast, she will refuse to do so! Political graves! What an insult to the democracy of Texas! There are among the men whom he assailed with a bitterness of hate unprecedented and unequaled, men of stainless honor and unsullied reputations; men at whom no shaft of criticism for wrongdoing or seeming betrayal of the people's trust has ever been aimed.

Let the senator beware! When he and his friends attempt to dig the political graves of the men who opposed him, they will find the people of Texas on hand to fill them, and the senator himself will lie for all time in the trench that he has made.

CHAPTER XLVII.

ONE HUNDRED AND FIFTY CONTEMPORANEOUS TEXAS EDITORIALS.
SCRIPTURES FOR THIRTIETH LEGISLATURE.*K. Lamity's Harpoon.*

The following scriptures are respectfully suggested as Sunday school exercises for the late legislative investigation committee:

"Thou shalt not borrow."—Deut. 15-6; 28-12.

"The rich ruleth over the poor and the borrower is *servant to the lender*."—Proverbs 22-7.

The *wicked* borroweth and *payeth not again*."—Psalms, 37-21.

Services to be closed with hymn No. 711, entitled, "Borrow From the Lord."

WARM-BLOODED MAN—CLAY PIERCE.

K. Lamity's Harpoon.

The *Austin Statesman*, a Bailey organ owned by John Henry Kirby the Lumber King and Prince of Pines, says:

"Bailey's record in congress is, as we have before said, as clean as a hound's tooth, and the Standard Oil octopus cannot destroy him. He will continue faithfully his duty to do as in the past he has ever done it."

So far as the "cleanliness" of the record is concerned, I fully agreed with you though fail to see where the comparison is any compliment to Mr. Bailey. As for the Standard Oil Company "destroying Joe Bailey," such rot is enough to make the aforesaid hound puke up his teeth by the mouthful.

You must take Texas people for infernal fools. The Waters-Pierce Company is controlled and principally owned by the Standard Oil Company. Joe Bailey is the best friend the president of the Waters-Pierce Oil, alias the Standard Oil Company ever had in Texas. He was the means of it being re-admitted to Texas, and giving it the opportunity of robbing Texas people out of millions of dollars.

In return the Waters-Pierce alias the Standard Oil Company, has repaid Bailey by lending him thousands of dollars. The only sane reason why the Waters-Pierce alias the Standard Oil Company could possibly want to "destroy Bailey" might be the fear that if they remained on the present friendly terms, Joe might borrow every darned cent it had in the treasury and give only his unindorsed note for security.

Such gushes of editorial *guano del torro* falls as flat as a wet blanket when one remembers that in his examination before the investigation committee, the P. of P. said that Clay Pierce, the president of the Waters-Pierce alias Standard Oil Company was the "only millionaire he knew, who had warm blood enough in his veins to lend a man money and help him out when he was in a close place."

Yes, that is a commendable trait of character in Clay, to lend money to Democratic Senators and lumber kings when they need it. I honor him for having "warm blood," and helping those who help him. Clay has the "warm blood" and also the "warm money," but in securing the latter (through the political influence of Joe Bailey), Mr. Pierce has certainly thrown the "warm soup" into the Democratic voters of Texas when they had their faces turned in the opposite direction.

HON. JAMES CLAYTON MC NEALUS.

Dallas Times-Herald.

Hon. James Clayton McNealus, secretary of the state democratic executive committee, was called to Austin to give hearsay evidence, and this hearsay evidence will appear in the record. Representative Cocke's hearsay evidence is ruled out.

Arlington Journal.

To us it looks like Chairman O'Neal of the investigating committee is about as unfair a man as we ever saw presiding over a body of men.

JUST NAUSEATING.

Limestone County Press.

The lot of mush, gush and fuss that the Houston Post gets off about Bailey is sickening. One would suppose that Bailey was a little god if one took the Post's word for it.

CONTEMPT PROCEEDINGS.

Austin Tribune.

It is alleged that Senator Bailey refused to testify if a certain attorney questioned him. While contempt proceedings are in order, why doesn't the committee call the illustrious senator to account?

SUGGESTION TO HAMILTON.

Dallas Times-Herald.

Representative Hamilton should offer a resolution and insist upon its immediate passage giving Henry Clay Pierce a clean bill of health and the Standard Oil Company a permit to do business without fear or favor.

ANOTHER PIERCE LOAN.

Grandview Tribune.

According to Johnson's testimony, Pierce "loaned" Bailey \$156,000 to get control of the Southwestern Oil Company, the only competitor of the Waters-Pierce Oil Company in Texas, and that for some time Bailey was the actual owner of the Southwestern.

EXPENSE IS JUSTIFIED.

Riesel Rustler.

This Bailey investigation cost Texas thus far about \$50,000, yet one can hardly consider this money wasted. It has shown the people how the trusts can and do use some of the officials as a cat's paw, and it may yet point out a way to stop this practice.

ITS HUMOROUS SIDE.

Dallas Times-Herald.

What O'Neal says goes in the record by his order. What Cocke says is kept out of the record by O'Neal's order. And Representative O'Neal is a just, impartial and merciful judge. A democratic court of inquiry has its humorous side.

TALKING ABOUT GALL.

Colorado Citizen.

The Houston Post has a scare head lines "Enmity to Bailey Cost State Money—Expenditure for Investigation Will Cost Fifty Thousand Dollars Within a Week." Great Scott! Isn't that cheek for you? Supposing it had been anybody almost in the state excepting Bailey, what would it cost? [The cost was really only about \$10,000, including printing 5,000 copies of testimony.]

WHEN TRUTH IS EXPECTED.

Grandview Tribune.

According to the testimony of J. D. Johnson, general attorney for the Waters Pierce Oil Company, Senator Bailey is as spotless as an angel. The testimony of Mr. Johnson is only what was expected from that source. It is only when rascals fall out that the truth is brought to light.

PROVING THE CHARGES.

Grandview Tribune.

Not a single serious charge against Senator Bailey has yet been disproved. All the documents in the hands of the Attorney General declared forgeries by Senator Bailey have been declared genuine by both Johnson and Auditor Naudain.

PIERCE EXONERATED.

Colorado Citizen.

At last they have proven that H. Clay Pierce didn't lie at all about that reorganization matter; the lawyers are to blame for the matter; they wrote out the paper

and got him to sign it in the course of business. What! H. Clay Pierce perjure himself? No, siree! not he! He's "as mild a mannered man as ever scuttled ship or cut a throat."

INVESTIGATION METHODS.

Bellville Times.

If the Bailey investigating committee at Austin goes much further in the matter of prodding newspaper men, who are indulging in the legitimate criticism of their methods, in addition to the fact that they have already become famous it would not be a far cry to the addition of a prefix to the word famous as applied to them.

VERY LITTLE THAT IS CREDITABLE.

Weimar Mercury.

The Bailey investigation is still in progress at Austin. Very few things creditable to the senator have been elicited, while on the other hand several facts brought to light are anything but a credit to a man occupying the responsible position he does. However, as the committee stands four to three in his favor, nothing but a "white-wash" is anticipated.

A SYNDICATE BY HIMSELF.

Smithville Times.

Bailey is the biggest kind of a syndicate all by himself. According to the testimony before the investigating committee, Bailey buys and sells, among other things ranches, bulls, race horses, blue grass farms, newspaper stock, political influence, legal ability, country legislators, oil stocks, oil lands, timber lands, railroads, coal mines, etc.

NAILING A POST LIE.

Wilson County Journal.

An Austin special in the Post, February 4th, said: "Inquiry today showed that the investigation has already cost the state in round numbers, \$40,000, and it is very probable that before it has ended the total expenditure will represent \$50,000. All this amount, principally, to gratify the spleen of a few personal and embittered enemies of the man from Gainesville."

To gratify spleen, etc., sounds well, but it is not true. The investigation was undertaken to prevent the re-election of Bailey to the United States senate because he was believed to be corrupt, because he is believed to belong to the trusts, oil and lumber, and while it can not now be proven, it is believed to be true by many of the best men in the state. The testimony shows that Bailey was poor only a few years ago and now is rich. He could not have grown rich on his law practice in a few years, because he is not an extraordinary lawyer in any respect.

BAILEY'S NEWSPAPER STOCK.

Rogers News.

Before the Bailey investigating committee last week, Editor Clarence Ousley of the Fort Worth Record admitted under oath that Senator Bailey owns \$10,000 stock in the Record. Ousley also admitted that Editor Johnson of the Houston Post owns stock in the Record. No wonder the Record and the Post have excluded from their columns practically everything except fulsome praise of Senator Bailey, the Record's big stockholder.

BAILEY'S WITNESSES.

Arlington Journal.

Bailey's friends have tried to claim much for him, because of Gruet's manifest infamy; but Gruet is no worse than Bailey's two main witnesses, Johnson and Pierce. Texas has a bill against "My dear Pierce" for perjury, and he doesn't dare to come to Texas at all. Gruet beat that a little. If Bailey could get his dear Pierce down here he could doubtless prove most any old thing by him.

ONLY GOOD TRUSTS HERE.

Dallas Times-Herald.

Read Attorney General Davidson's message to the legislature of the state. They ask for information concerning trusts, foreign and domestic, and the man from

Galveston Island gave them more than they anticipated. Now the "organs" will pound the attorney general, distort facts, make light of his report and grind and grind and grind. All the bad trusts are in republican states; all the good trusts are in democratic states. Why are they good trusts? Because democratic politicians get rich pickings.

JUST BAILEY CRAZY.

Palestine Herald.

Either the Houston Post correspondent reporting the Bailey investigation at Austin is as blind as a bat, or else the Galveston News and other correspondents are seeing visions. The dramatic incident of Tuesday, wherein Bailey got excited and said somebody had lied, the Post made Bailey the whole show while the other papers say Witness Mentz did not show the white feather. The Post is simply Bailey crazy, and cannot write it except from a Bailey standpoint.

HOW WAS THE MONEY SPENT.

Williamson County Sun.

Cullen Thomas in his testimony before the Bailey investigation committee said that at one of the conferences in Waco, Mr. Johnson, general attorney for the Waters-Pierce Oil Company, stated that it had cost the company \$60,000 to reorganize. Senator Bailey in some of his speeches has stated nearly the same thing—that it cost the company \$50,000 to \$75,000 to effect a reorganization. As about the only thing done was the obtaining of new charters in Missouri and Texas and as the fees should scarcely have exceeded \$1000 in both states, the question naturally arises, how was the money spent?

"LIAR" AND "LOBBYIST."

Dallas Time-Herald.

Senator Bailey denounced a man in the committee room as a liar. Nothing was said by any member of the committee regarding the incident. Mr. Cocke merely asked if a certain gentleman had not been a lobbyist, and Chairman O'Neal, for this grave offense, threatened to exclude the Bexar County man from the committee room. In the judgment of the chairman, the awful word "lobbyist" has the modest term "liar" skinned a city block when it comes to being objectionable to refined ears. Again, it is in order to remark that fairness is so thick around that investigation that it can easily be sliced with a knife.

ABOUT TEXAS TRUSTS.

Dallas Times-Herald.

Attorney General Davidson has placed his report on foreign and domestic trusts in the hands of the legislators. The showing is something awful—from the viewpoint of democratic platform makers. But isn't Attorney General Davidson mistaken? Hon. Joseph D. Sayers said there were no trusts in Texas. Hon. S. T. W. Lanham said there were no trusts and the genial Clark K. Bell made the same declaration. How could there be trusts, criminal trusts, in Texas when the state has been dominated by democratic trustbusters, vociferous and violent trustbusters, since Charles A. Culberson retired from the office of governor? Why, it's absurd.

COUNTING THE COST.

Texas Farmer.

Bailey called an old man named Mentz, while on the witness stand, a liar. They rushed at each other; but their desperation was checked by the crowd. It is always fortunate when desperate men try to "chaw up" each other in the midst of a big crowd sure to keep them apart. It always saves shedding a blue ba-lud.

The investigating committee ought to get up an itemized account of the expenses of both the Bailey investigations—that by the Twenty-seventh and this by the Thirtieth legislatures. The last has been much more expensive than the rest. In the way of mathematical progression, the estimate will enable the people to calculate what the next Bailey investigation will cost.

AN UNEXPECTED INQUISITION.

Williamson County Sun.

Greatly to his surprise, the editor of the Sun was served with a subpoena last Saturday to appear before the Bailey investigating committee at Austin, and accordingly he went there Monday and submitted himself to their queries. Then he learned for the first that he was to be questioned concerning an article that appeared in last week's paper under the caption of "That Bribery Charge." Had this occurred in Russia or Germany, under their rigid press censorship, there might not have been need for wonder, but in free, democratic Texas, it was astonishing. That an editor should be called to the bar for expressing an opinion on a matter of current public interest is almost incredible and it is unprecedented in Texas history.

THAT HEARST SPECIAL.

Williamson County Sun.

In the address to the people of Texas signed by John M. Duncan, as chairman and W. A. Cocke as secretary of the pro-investigative caucus, and issued just before the election of Senator Bailey by the legislature, the following statement was made: "There is no people's lobby here and great pressure is being brought to bear upon hesitating members. In our judgment it would be a crime against democracy and against Texas to force the election of a United States senator now. A majority of the legislature undoubtedly shares this opinion. It is, however, being hard pressed by outside forces."

What is this but the expression in milder language of the charge made by the Hearst newspaper correspondent about which so much fuss has been made? And yet no open umbrage was taken at what Duncan and his colleagues said. Why not?

A DANGEROUS PRECEDENT.

Hamilton Rustler.

Senator Bailey has been returned to the United States senate for another term of six years, and the legislative investigation of the charges against him is about to go to the bad, but with all that the senator has not removed from the minds of thousands of the people of Texas the conviction that he has been acting as agent for some of the most merciless, the most treacherous trusts and his re-election does not remove it. The fact that he and his friends have so bitterly fought a fair and honest investigation is proof to most men that he is guilty of a great wrong. His example is the most dangerous precedent that any senator from the South ever set his people, and the evil that will come from it will overbalance all the good that he has done or may do. Never again will he have the confidence of his people as he once had it; never again will he wield the influence he has wielded.

THE BEAUMONT "INSURRECTION."

Beaumont Journal.

Majority members of the Bailey investigation committee are having plenty of trouble with the independent newspapers of the state. Chairman O'Neal has succeeded in intimidating witnesses and suppressing evidence, and the fact that he is powerless to suppress a free press seems to fracture his dignity. Chairman O'Neal has much to learn, and there is a possibility that some of the lessons taught him in the future will be strenuously bitter."

Rogers News.

The Bailey organs denounce Gruet as a perjurer, yet they are silent about Johnson who prepared a false affidavit and Pierce who swore to it.

CAMPAIGN INTRODUCTIONS.

Palestine Herald.

New liars are being issued every day at Austin. The Bailey investigation committee has done one thing, if nothing more. It has introduced us to some of the best all-around liars on earth.

SHOULD MODIFY HIS ORGANS.

Rogers News.

Does Mr. Bailey since learning the true relationship of the Waters-Pierce Oil Company and the Standard Oil trust, favor driving the former from the state? If so, he should make known his desire at once so that the Houston Post and other organs may rest from their heroic efforts in sounding the praises of "Mr." Pierce.

THAT DRAFT AGAIN.

Wilson County Journal.

Bailey declared in every speech before his election, that he had never drawn a draft for \$1500 on Pierce, that if such a draft was in existence it was a forgery. But Governor Francis tells about the \$1500 draft. Bailey drew on Pierce and Pierce paid it and Francis paid it back to Pierce with interest for Bailey.

FRANCIS KNEW IT.

Wilson County Journal.

Ex-Governor Francis of Missouri, introduced Bailey to Pierce and recommended him as a good lawyer. He knew more about Bailey than the people of Texas knew if he could say he is a good lawyer. He never made a living at it before he went to Congress. By the practice of influence and perhaps a smattering of law, the junior senator has accumulated a fortune in a few years.

PRAISE FOR THE PROSECUTOR.

Weimar Mercury.

The Baileyites seem to get a lot of fun out of Representative Cocke's cognomen. He's game all right without a white feather—Eagle Lake Headlight.

That's no joke, Brother McCarty. And we believe Mr. Cocke is thoroughly conscientious in his disagreeable duty. We need more men like Cocke in the Texas Legislature—men who are honest and sincere, and who can not be swerved from doing what they conscientiously believe to be right. The Mercury has a great and sincere admiration for Representative W. A. Cocke.

FIND THE ANSWER.

Garland News.

H. Clay Pierce swore a lie; J. P. Gruet swore a lie. One is no meaner than the other, yet some people bemean Gruet and laud Pierce. Be fair, dear people.—Italy News-Herald.

And for six peaceful years our junior senator did not deem it necessary to inform his constituents that he was borrowing (?) large sums of money from one of these perjurers. Which is the blackest lambkin?

(The officers of the Waters-Pierce Oil Company swore that the Bailey loans were charged to profit and loss on the books of the company. They corroborated the Gruets in this particular.)

IF NOT TRUE, THEN WHAT IS TRUE?

Waco Tribune.

Weeks, and even months ago, Senator Bailey, when the \$1,500 sight draft (Henry & Stribling) was mentioned would wax indignant and specific. At sundry times, at sundry places, verbally and in print, he declared that such a thing could not exist, save as a forgery; that if it could be proven that such a draft existed and that he knew of, handled or had anything to do with it he would resign from the senate.

Has not the testimony of the officials of the Waters-Pierce Company, of Attorney John D. Johnson and finally of Hon. David R. Francis established beyond doubt or question by anybody that such a draft did exist, and that Senator Bailey did know of its existence and handled the money? And if so, what of Senator Bailey's avowals when he was denouncing the story that such a draft existed—his pledge to resign?

The Tribune wants and proposes to be fair and just, but this is a grave matter.

If the Tribune is mistaken or has in any respect mis-stated the matter it is open to correction. Let Senator Bailey or some of his champions state the truth.

HOW IT LOOKS IN AUSTIN.

Austin Tribune.

It is very amusing to read that Chairman O'Neal threatens to punish any one in contempt of his whitewashing aggregation. The so-called "investigating committee" is a farce of the rankest kind, and Chairman O'Neal is helping it along to the best of his ability. To treat all alike, get to the bottom of Bailey's oily manipulations, and that without regard to what effect it might have on Bailey's future, is the right thing to do. Due care is taken by Mr. O'Neal and his assistants to object to a great deal of the testimony upon the ground that it is hearsay, just because the very nature of it tends to show guilt on Bailey's part. Then with smiles they receive any kind of hearsay in Bailey's behalf, and that without even the slightest objection. If the committee has adopted the rule to allow no hearsay, then invoke it on both sides, or quit trying to pose as being fair. The people are on to the whitewashing game and cannot be fooled.

LOCATING THE BLAME.

Austin Tribune.

Bailey says he is surprised that a Hearst newspaper reporter was entertained in the homes of Austin. Hearst has never published a lie on Bailey. Yet Bailey is trying to prejudice the people against Hearst. The facts before the committee show that Hearst did not have a single thing to do with Bailey meeting Pierce and becoming the attorney for the Waters-Pierce Oil Company. Hearst had nothing to do with Bailey borrowing \$156,000 from Pierce to buy the Southwestern Oil Company a competitor of the Waters-Pierce Oil Company. Hearst had nothing to do with Bailey getting from Bayne the \$5,000 for writing a charter for a branch of the Standard Oil Company. Hearst had nothing to do with the Standard Oil attorneys paying Bailey \$2,500 to give his opinion as to the right of the Standard to do business in Texas. Hearst had nothing to do with Bailey's being seen on several occasions around 26 Broadway, New York, the notorious headquarters of the Standard Oil. Hearst had nothing to do with the John W. Gates \$28,000 loan. With all this plain, Bailey has the gall to try to impose upon the intelligence of Texas by saying that Hearst caused it all. You cannot do it, Bailey. The people are on to your game. Your henchmen, lackeys and organs are the only ones that will give such silly answers to the charges that have been made against you.

THAT BLACKMAIL CHARGE.

Austin Tribune.

Bailey, in his public speeches, said that Gruet had gotten Flateau to write a letter to him demanding \$28,000 hush money. When young Gruet was on the stand, Bailey had Odell to ask if the demand for \$28,000 had been made in the Flateau letter. At this juncture the young man asked for the letter. General Crane asked for it, Cocke asked for it several times. Finally Bailey reported it lost. Flateau produces the letter and nowhere is it shown that there was a demand for \$28,000.

Austin Tribune.

Bailey and his gang of bootlicking henchmen came to Austin fighting to keep down an investigation, and in the event it was forced, to have it of the whitewash variety, and in no event allowed it go beyond the limits of Texas. The alleged acts were committed out of the state—why not an outside investigation?

Bellville Times.

Good morning, Anti-Baileyites! Are you now ready for your salt-water bath, or do you prefer hot oil? The swashbuckler is in the saddle.

A LOSS OF CONFIDENCE.

K. Lamity's Harpoon.

Joe Bailey lambasted, slandered and maliciously maligned every man in Texas who refused to fall down and worship at his coal oil shrine. He threatened and

bulldozed quite a number of politicians into silence or subjection, and they shut up. There are at least a few men in Texas who do not give a whoop in hades whether Joe Bailey likes them or not. He no doubt feels keenly his lost prestige, but he alone is to blame. Rest assured he will never get back the following he once had, no matter if the whitewash is spread on till it looks like plaster. He has branded as thieves and liars every man in Texas who differs with him on the propriety of a public official such as United States senators receiving fees, gifts or loans from public corporations. I trust Mr. Bailey will finally get it through his head that what he says about a man in Texas cuts very little ice. People have not that abiding and childlike faith in Joseph's veracity they formerly had. He has mixed his cases and his ranting and threatening sounds exceedingly silly and foolish. You may break, you may shatter the vase if you will, but scent of the coal will hang round it still.

IS GRIEVOUSLY WRONG.

Waco Times-Herald.

* * * In invoking the spirit of hate and retaliation on men who simply felt constrained to stand for what they consider the honor of the commonwealth, Mr. Bailey is fitting himself to that saying of the ancients, "Whom the gods would destroy, they first make mad." He is at variance with all that is best in our civilization.

Mr. Bailey is wrong—radically and fundamentally wrong; he will either have to reverse himself or come to an untimely end, politically speaking.

SPIRIT OF THANKFULNESS.

Bell County Democrat.

Senator Bailey delivered another one of his highly elevating speeches to the legislature last week. The only mystery of it is that some honest Texan didn't beat the egotism out of him before he left the state. It has come to a pretty mess when a conceited, bigoted egotist can get up and abuse men like he does and no one resent it at the time. If his style and manner of speech is what it takes to make a good democrat, thank God we have no more of them than we have.

POLITICAL REMUNERATION.

Denton Record and Chronicle.

Judge Poindexter, the senate lawyer in the Bailey investigation, got \$1,000 for his services. The judge does not appear to be so well paid as some of the others. D. W. Odell gets a seat in Congress, T. N. Jones will get governorship four years hence, Tom Love will be attorney general, while the minor offices for remuneration do not appear yet to have been apportioned.

Galveston News.

Texas is not the only state to which Senator Spooner's resignation is a lesson in political ethics. Rather than practice law for the "interests" while holding a brief for the people, the Wisconsin senator preferred to lay down the people's commission, with its concomitant honors, and accept legitimate employment, to practice his profession honorably, and to earn creditably the money which he feels it incumbent upon him to provide for the comfort of his family and his own easement in his old age. It is regrettable that the nation is to be deprived of the services of Senator Spooner, but it is undeniable that the duties to one's family are not less obligatory than duties to one's country. Senator Spooner retires with the consciousness that as a servant of the public he is not classed at present, nor will he be classed in the future, with those who have not the higher and better view touching a career of political usefulness disassociated with personal aggrandizement.

Brownwood Bulletin.

Senator Bailey got to the United States senate just in time to be present at the adjournment of that body. The "peepel" will hardly get a run for their money which will be paid Senator Bailey for his services as United States senator during the past four months.

THE GREAT UNTERRIFIED.

Bell County Democrat.

Joe Bailey will find out that there are thousands of democrats in the state that don't wear his earmarks and haven't his road brand on their sides. He can crack his whip and do all the bulldozing he wants to, but when the proper time comes the people will do a plenty.

A SECOND FLIM-FLAM.

Brownwood News.

The Texas legislature has exonerated Senator Bailey and he will go to the United States senate with papers to that effect on his inside pocket and take his oath of office March 4th. This is the second time the senator has flim-flammed a majority of the members of the Texas legislature.

"THE WAR IS ON."

Williamson County Sun.

Senator Bailey, in his speech before the Texas house of representatives, threw down the gauntlet to those who do not believe in his immaculate purity by declaring war on them, from lieutenant governor down—to constable, we presume. Next year, he says, none of them will be allowed to go as delegates to conventions, and none of them shall be elected to office.

Well, the Sun for one picks up the gauntlet, accepts the challenge and cheerfully enrolls itself in the anti-Bailey army. When the fight comes on it will be found on the front firing line, and it will not be the first to ask for an armistice. The Fort Worth Record and the Houston Post—practically one and the same thing—say "the war is on" and so it is, and it will not cease until a legislature is elected that will ask J. W. Bailey to resign the seat in the United States senate into which he was railroaded over the protests of the best and truest democrats in Texas.

WHAT THE EVIDENCE SHOWED.

Williamson County Sun.

Senator Bailey and his friends say the legislature exonerated him from the Cocke charges and gave him a clean bill of health morally and politically. Is that true? Nominally, yes. Really, no. * * * Is not what has already been disclosed sufficient to justify Mr. Cocke in saying, "The half has not been told?" Mr. Bailey has himself invited a continuance of the fight, and he will surely be gratified.

THANKS, DUNCAN AND COCKE.

Waco Tribune:

One word more, to Judge Duncan, Cocke and those who strove for what they believed the true and best interests of Texas. Defeat has come to you for the time, but what of that? Where Conscience approves no man need regret his efforts. There are people in Texas who appreciate the spirit and purpose of your course. Make no doubt of that, or that time brings vindication. Warren Hastings and his defense are but vague memories but today, after the lapse of far more than a century, Edmund Burke's great appeal and arraignment lives as a classic, an enduring force, in the language of the people for whom you stood up and made endeavor.

AS TO JUDGE DUNCAN.

Palestine Herald.

The Houston Post is much displeased with Judge John M. Duncan. And it is too bad. If the Post knew Duncan better, and thought less of some other things and people, it would love Duncan more. The Herald knows the "elder statesman" right well, as a neighbor and fellow townsman, and it knows there is no better purer-hearted, truer man in Texas. And as for his ability, he stands second to no man in the point of ability and fearlessness in discharging his duty. If you want to know about Duncan, ask his home people, those of them who are worthy to give testimony.

DIFFERENCE BETWEEN BAILEY AND SPOONER.

Dallas Times Herald.

John C. Spooner is admittedly one of the able lawyers of the United States senate, an orator second to none, and the leader of the republican majority in the senate. He has served his people as a senator sixteen years at a great personal sacrifice. He is not a wealthy man, and he retires of his own accord to practice law and build up his shattered fortune.

"On March 2nd I shall have served in all sixteen years as a Senator. This is a long time for one, neither willing nor financially able permanently to abandon it, to take from his profession. It has been taken from mine, for I have not thought it compatible with the full and uninterrupted discharge of public duty to pursue it, and I have therefore during my service with two or three trifling exceptions, purely local, absolutely abstained therefrom."

Comment is unnecessary. As a senator John C. Spooner has served the people of Wisconsin. As a lawyer he will serve his clients now that he has surrendered his credentials to the legislature of Wisconsin and retires from the service of his state.

Beeville Bee.

Senator Spooner of Wisconsin has resigned because he cannot attend to his duties in the senate and practice law as well. He should have stepped across the aisle and asked Bailey about it, and probably he would have found out how easy it is to represent opposing clients in the same cause.

AND BAILEY CAN'T HELP IT.

Dallas Times-Herald.

Senator Bailey fought the Panama canal. Uncle Sam is building the canal. Senator Bailey is opposed to Trinity navigation, and the Trinity will be improved just the same. The navigable rivers of Texas will be cared for by the broad statesmen of the United States, and the gulf ports of Texas will be cared for by Uncle Sam. Mark the prediction.

THE QUAY RULE IN TEXAS.

Temple Tribune.

And so Mr. Bailey proposes to become the Quay of Texas! This is the substance of his remarkable declaration before the legislature on last Wednesday night. It is his announced purpose to consign to political oblivion those who have opposed him and to exalt those who have supported him. This includes the present entire corps of state officials with the exception of one or two, especially mentioned by Mr. Bailey. In other words, he will dictate to the people whom they shall elect.

BAILEY AND SPOONER.

Cuero Star.

Senator Spooner refused a retainer fee of \$80,000 to conduct a suit for a big corporation, and retires from the senate at the age of 64 much poorer than when he entered that body sixteen years ago. Senator Bailey entered the senate six years ago, a poor man and heavily in debt. He is now well off, and his wealth comes from the big corporations he has represented in their fight against the people.

BOMBASTEO FURIOSO BAILEY, BY H. E. P.

The Houston Chronicle, 7-9-07.

"There be 54 Richmonds in the field who voted against me, and there's Davidson, too, and I'll knock the stuffing out of them and hang them in my 'rogues' gallery alongside my own picture, making 55, or I'm a goat.

"Many a time and oft on the Rialto (at 26 Broadway) I have cursed them, and in accents loud and fierce have told them they were perjured scoundrels for deceiving me, and still the mangy curs would force their filthy ducats on me. Have told them I would make them pay dearly for their baseness—and they have, but not enough yet. I am not half done with them."

TO THE SOLDIERS.

"Once more unto the breach, dear friends, once more.

"When I sound the blast of war in your ears, then imitate me; stiffen your sinews; summon up your blood; lend your eye a terrible aspect; set your teeth; stretch your nostrils wide; hold hard your breath; teach them how to war and vote against Bailey, while I step over to 26 Broadway and see about your pay. It has never cost me a cent to get elected United States senator (Standard Oil elects all its senators without expense to them, and they will do as much for you for the office they need you in, and to keep those 'rogues' out).

"Now I see you stand like jack rabbits in the slips, straining upon the start, with your three game legs all a-stiff.

"The game's afoot; follow your spirit and upon this charge cry 'Hurrah for Bailey, Graft and Standard Oil! And damn the rest,' and I will see that you get your pay every Saturday night."

Wilson County Journal.

Everybody is getting tired of the Bailey business. There is no prospect of it being through with while he is U. S. Senator from Texas.

Cocke continues the cock of the chapparal. He refuses to be frozen, fricassed or frightened.—Dallas Times-Herald.

The Dallas paper has Mr. Cocke about sized up. With a hostile committee, with unwilling witnesses, without counsel and facing every possible drawback and obstacle, he has conducted the Bailey investigation with ability and dignity.—San Antonio Gazette.

Texas Farmer.

When these disclosures were made the people of Texas were simply stunned. He had been nominated for United States Senator. No one in voting for him dreamed of his connection with Mr. Pierce in any such transaction.

When the people began to stir Bailey began to curse. He refused to go again before the people for nomination.

Chillicothe Independent.

"There's bound to be fire where there is so much smoke," is an old saying that seems to aptly illustrate the Bailey controversy. We have been a great admirer of Senator Bailey, but with the light before us we are conscientious in the belief that his usefulness as a public servant is greatly impaired and by his own admissions to some of the charges he should be replaced in the Senate by another of the many gifted sons of Texas.

Boyd Index.

If Senator Bailey had in the beginning told the people of Texas the whole truth about his connection with Pierce, had unbent his ambitious pride enough to say: "I did thus and so with no thought of wrongdoing, but will do so no more if you think it unbecoming or unwise," no man in the State of Texas could have injured him with the people. Instead of this, however, we are presented with the spectacle of our Senator saying in substance: "I helped Waters-Pierce Oil Company back into the State, borrowed money from H. Clay Pierce, will do it again; there will be no legislative investigation, and what are you going to do about it?" This is not the proper attitude for a public servant to assume.

Terrell Transcript.

Every day the friends of Senator Bailey devote to filibustering in order to prevent the investigation of his official conduct, just that much more do they impress the average mind that there is urgent need of such investigation. The faithful public servant courts, rather than obstructs, the closest scrutiny of his official acts.

Breckenridge Democrat.

Bailey claims that 98 per cent of the preachers are for him. The assertion won't hold good as to this community, as four out of the five preachers are out-spoken

against him. The fifth one has not yet been interviewed, and we do not know where he stands. Of those who are against him two are Christian, one Baptist and one Methodist.

Weimer Mercury.

If Mr. Bailey is guilty of no breach of trust, then we fail to see where an investigation of his conduct by the Legislature can hurt him. He certainly does not wish to remain under a cloud of suspicion. A full and impartial investigation ought to be courted by him and his friends.

Collingsworth Courier.

Even if Race Horse Joe is returned to the Senate the opposition will have the satisfaction of knowing that he got a run for his borrowed (?) money.

San Antonio Express.

Mr. Bailey has expressed his views as to an investigation. The Legislature will determine whether they agree with the Senator.

Alto Herald.

Shall the Legislature investigate? Bailey says no; the people say yes. Which is the greater—Bailey or the people?

Cherokee Banner.

Bailey seems to be opposed to a legislative investigation. We don't blame him.

Corpus Christi Crony.

Charges have been made against Senator Bailey by one of the highest officials in the State of Texas, who claims that at a proper trial he is prepared to substantiate these charges. It makes no difference whether the Legislature is for or against Mr. Bailey, it should investigate the charges without regard to fear or favor. The masses of the people throughout Texas who compose the rank and file of the Democratic party are determined that this question shall be settled by an official investigation, and if it is not done by the present Legislature it will be looked after later.

People's Review.

Bailey and his organs have all along strenuously fought a resubmission of the Bailey matter to the people, and are now fighting against the proposed legislative investigation. To yours truly this looks just like bolstering a rotten position with suppression and prejudice. If Bailey were the right sort of man, if he were senatorial timber really by any right of mental caliber and common honesty, he would demand investigation.

Young County News.

In Bailey's speech at this place he abused the Galveston-Dallas News as usual. But we don't think Joe makes many friends by cursing the papers and the people.

AN ISSUE INVOLVING THE LIBERTY OF THE PEOPLE.

The Galveston News: Jan. 2, 1907.

Those who fancy that the vital issue now disturbing the minds of Texas is going to be settled by the ordinary campaign "playing," by a "boost" for Senator Bailey in one locality, or by even the Legislature itself, having evidently not been able thus far to comprehend the true meaning of the startling disclosures and exposures that have been made or to reach, even in imagination, either top, side or bottom of the vast and dark chasm which now yawns before us.

Nacogdoches Sentinel.

One thing politicians will learn in the Bailey matter, and that is that honesty is as essential to the politician as it is to any other business.

JUST CHRONOLOGICAL.

Austin Tribune.

Senator Bailey leaves his home at Gainesville for Washington April 25, 1900; the 25th day of April, 1900, he gets a loan of \$3,300 from Pierce. He does not go

on to Washington, but shows up in Texas at the very places where the Waters-Pierce was having trouble.

BAILEY'S OPTIMISM.

Fort Worth Telegram.

Senator Joseph Weldon Bailey denies that he said in St. Louis that he could dispose of Attorney General Davidson in two days after reaching Austin, and it is well. The majority of the people have strongly believed he was entirely too optimistic.

TROUBLE SOMEWHERE.

Sherman Express.

By the time the legislature convenes there will be strenuous times down at Austin. Bailey's enemies expect to make trouble. It's in the air.—Sherman Daily Democrat. It's in the air now, but it will soon be in the hair.

DID IT FOR A LOAN.

Austin Tribune.

Senator Bailey says that when Pierce told him he wanted to pay, he replied that he would not accept a fee for such work, but that he would, if Pierce did not object, accept a loan—this loan was then made. Five days later Bailey was in Austin making intercession in behalf of the convicted Waters-Pierce Company, of which Pierce was president.

REPUDIATE LEGISLATORS.

Grandview Tribune.

In the face of late revelations made by the attorney general of Texas, wherein it is charged that the oil trusts have paid Senator Bailey more than \$17,000 during the past few years, in connection with the readmission of the Waters-Pierce Oil Company, in this state, unless disproved, every member of the legislature who votes for his re-election should, and will be, repudiated by the people and defeated whenever they offer for office again. While every loyal democrat of Texas views with regret that a senator from this great state should lose the esteem in which he has been held and prove unworthy of the high honors he has borne, no exception can be made.

ONLY THE BLIND.

Grandview Tribune.

No one but a blind partisan of Senator Bailey will deny that there is grave impropriety in United States senators accepting fees from the Standard Oil trust.

PEOPLE GIVEN A DOUBLE DEAL.

Cuero Star.

Is there now any tenable reason why the people of Texas should not rise up and demand the retirement of Senator Bailey upon the expiration of his present term. He has just said all over Texas that he got no Waters-Pierce money in the reinstatement assistance he gave the oil trust, the attorney general shows us very conclusively that he did. Mr. Bailey has clearly given his people a double deal and should certainly walk the plank. Texas is entitled to senators who are above suspicion and who don't have to be watched. She always had them until we tied onto the spectacular Mr. Bailey.

RESPONSIBLE FOR HIS OWN DESTRUCTION.

Palestine Herald.

After a devious route, and numerous delays, Senator Bailey reached Austin at 4 p. m. yesterday. The explosion his friends expected would follow has not happened yet.

Bailey spent several hours at St. Louis; missed his train, he said. Then his route carried him by Dallas and Fort Worth, and to his old home at Gainesville. When he landed at Austin he had a few of the faithful with him—notably R. M. Johnson of the Houston Post, Clarence Ousley of the Fort Worth Record, the Post's North Texas cousin, and Colonel Jot Gunter.

Immediately on arrival the senator and his friends went into close conference at a hotel. Just what Bailey's defense will be is not known. Doubtless he wished his friends to help him make up his mind.

Bailey acts very much like a man who realizes he is in a very close place.

WHERE THE BUG IS LOCATED.

Fort Worth Telegram.

The frantic effort that is being made by certain interests in Texas to convince the attorney general of the state that he should let up on Waters-Pierce and bore for Standard Oil is pretty conclusive evidence that there is a real live bug under the chip.

"BAILEY OIL COMPANY."

WAGS ARE WRITING NAME IN CHALK ON ALL TANK CARS.

Staff Special.

Austin, Texas, Feb. 25.—A traveling man who came in from Liberty Hill Friday evening, stated that a Waters-Pierce oil wagon arrived in that town that afternoon, and that the driver was made considerable sport of by every merchant in the community. Some of the patriotic citizens got hold of some chalk and blurred the name of Waters-Pierce Oil Company on the wagon and wrote above it in several places "Joe Bailey Oil Company." On one side of the wagon read "Bailey Oil Company."

DAILY PRESS OF TEXAS.

Feb. 26th, 1907.

CARPET-BAG REMINDERS.

THE FEDERAL RECEIVERSHIP OF THE WATERS-PIERCE OIL CO.—CRITICISM OF THE JUDICIARY.

Texas Farmer.

That a free press is the palladium of our liberties is a trite political commonplace. Poets, too, have sung of a free press "unawed by power, unbought by gain." We seriously doubt, however, whether the people of Texas now enjoy the benefits of such an institution. At least we seriously doubt whether the daily press of Texas is altogether an ideal agency of public opinion, and whether it answers the ends of its existence.

Texas Farmer.

In the great debate on the rate bill Senator Bailey in a very dramatic way delivered a glowing eulogy on Judge Bryant. We endorsed it at the time most heartily. While we knew that Judge Bryant was endowed by nature with intellect in very great moderation, we knew that he was a native of Texas, knew that he was honest, that he had always avoided judicial scandals, and wore the robe of justice without spot and without blemish.

Texas Farmer.

In Texas we have rested securely in the belief that our rights and property would be safe in the hands of Judges McCormick, Maxcey, Burns, Meek and Bryant. The late judicial action of Judge Bryant, in his case, must give us pause. We do not mean to impeach the integrity of Judge Bryant. He is honest, but alas, he is weak. He has been surprised and hoodwinked into a flagrant, inexcusable decision. While it is yet time, we trust he will retrace his steps. If he does not, the stain of this decision will overspread and shroud with inky blackness the hitherto spotless ermine of his office. In the meantime we can trust confidently in our Attorney General, and in the other able lawyers associated with him in the great work of throttling this monster trust. Judge Bryant will meet his match in Attorney General Davidson. The fight has just begun. Our attorneys in the case are cast in heroic

molds. They will see that the great State of Texas preserves her dignity, and that her laws shall be enforced. They will see, too, that,

"Returning Justice lifts aloft her scale
And that ancient fraud will no more prevail."

COCKRELL AND CRANE NOT ALLOWED TO EXAMINE BAILEY.

Special to The Chronicle.

Austin, Texas, March 14.—In an interview today with W. A. Cocke, representative from Bexar County, proponent of the charges against J. W. Bailey, Mr. Cocke said:

"It is due General M. M. Crane and Judge Cockrell to say that these gentlemen did not arbitrarily 'withdraw' their assistance as volunteer attorneys in the matter of the investigation. When the five attorneys of Dallas proffered their services, it was upon the assumption that each would be acceptable, and that they would be allowed to alternate, thus requiring none of them exceeding one-fifth of his time. When the committee limited the proponent of the charges to two attorneys, it was impossible for General Crane and Judge Cockrell to devote all their time to the matter on account of previous professional engagements. As a matter of fact, both of these gentlemen spent considerable time at the investigation and otherwise rendered me every assistance that they could. We were in constant correspondence, and they were ready to come whenever they could arrange their affairs so to do, and whenever it was mutually thought necessary. Near the close of the investigation (suppression) I did ask one or the other of them to come down, and they readily agreed to do so, but when the committee refused to require Mr. Bailey to submit to a rigid cross-examination, their presence was rendered unnecessary.

"Lovers of our Southern ideals of statemanship should be grateful, not only to Judge Cockrell and General Crane, but to Messrs. Crawford, Etheridge and Porter, for their patriotic interest in the matter.

"I desire also to acknowledge the assistance rendered the cause of truth and justice by many patriotic Texans, who wrote me such information as they possessed, much of which the committee would not even listen to and ascertain its truth or falsity. In my humble judgment, the people of Texas will never know one-half the story in all its completeness. But it has been decreed by this Santa Anna of Texas politics that the story is none of the people's business. Remember, it is said in the Scriptures, 'Pride goeth before destruction and a haughty spirit before a fall.'"

The People's Advocate.

In Senator Bailey's public speeches he invariably takes pains to explain that he has a conscience. He doubtless deems the explanation more in order since the "corn-field" jury at Austin declared that his best and closest friends, clients and associates are criminals.

COMMITTEE SELECTS COCKE.

Wilson County Journal.

Austin, Tex., July 6.—United States Senator Joseph W. Bailey having given the ultimatum that he and Representative Cocke could not speak from the same platform at the Driftwood reunion, the committee selected Mr. Cocke.

Newton News.

Representative W. A. Cocke of San Antonio and Coal Oil Joe of Gainesville were both billed to deliver addresses at a reunion in Hays County, and when the latter learned that the former was on the program he showed the pettishness of his small and contemptible soul, not to mention his colossal conceit, by suggesting to the chairman of the arrangement committee having the affair in charge that he leave off the name of the brilliant attorney of San Antonio. The chairman, who seems to have been a man possessing a few ideas of his own, replied that Mr. Cocke would speak at the time advertised for him to do so, and that Mr. Bailey could—well, he was a little too courteous to tell the junior senator to go to hell, but that was the

idea he conveyed to him, anyway. Whenever the people get a chance to kick the monumental egotism out of this galoot from the banks of Red River they will do it so thoroughly and in such a workmanlike manner that he will wish to high heaven he had donned a pair of double-padded baseball pants with a board in the seat.

The People's Advocate.

The time is coming when Senator Bailey will be kept so busy dodging "spanks" that he won't have time to notice an ordinary "slap," such as the Farmer's Union gave him at Fort Worth last week.—Cherokee County Banner.

But that was no ordinary slap; the Farmers' Union of Texas represents over 100,000 voters among the best class of farmers.

The People's Advocate.

In a speech at Garland, Senator Bailey is reported by the Houston Post as saying, "A few honest men are against me, and no good women are." It is possible that the 4,000 people present were all for Bailey, or those who opposed him were cowards, which means the same thing as endorsing him, for no person can uphold Bailey's action in "serving two masters" without surrendering to him all control of thought, conscience and creed. And while there is no "Madam Editor" associated with the Advocate, still we have some true friends who are good women and who loathe and defy political bullies such as Bailey, and when he says that these friends of ours are not good women, he lies. That is all.

The People's Advocate.

Of course, the resolution unanimously adopted by the Farmers' Union in State Convention, calling on the Texas legislature to pass a law which will prevent public officials from accepting employment with corporations and trusts, was not intended to apply solely to Senator Bailey. A resolution of such a nature would not be constitutional with the union. But if it be treason, Senator Bailey may make the most of it.

HAS HIM OUTCLASSED.

San Antonio Express.

Senator Bailey hit his enemies hard in a speech at McKinney the other day. He called General Crane a liar and said that Representative Cocke was a little idiot. The Senator is still after them and when they poke their heads up he shouts.—Tyler Courier and Times.

And that is supposed to be argument, is it? Cocke in his speech here used no such epithets against the Senator, nor has Crane been reported as using them. The senator is welcome to that style of argument.—Greenville Banner.

It is altogether useless for Bailey to struggle on. Cocke has the advantage of him—he is writing the history of the junior senator's life.

BAILEY AND LABOR MEN.

Austin, Texas, January 6 (Dallas News, January 7, 1907).

When informed tonight that Senator Bailey has received information to the effect that Samuel Gompers, president of the American Federation of Labor, had telegraphed labor leaders in Austin to oppose him in the primary election held here yesterday, James Belger, a stonemason and member of the Austin Trades Council, denied that such instructions had been received, or that any use had been made of certain information procured from Mr. Gompers.

Mr. Belger explained that on Friday, Joe Amsted of the Cigarmarkers' Union wired Gompers for Senator Bailey's record on eight-hour legislation. Gompers replied on Saturday, saying that Senator Bailey was absent when the Gregg bill came up and that he voted against the eight-hour bill for the Panama Canal. This was all that the telegram contained, and there was no recommendation nor order, says Mr. Belger. He furthermore says that the telegram was received too late for any use to be made of it.

Mr. Belger further says that when Mr. Bailey was in the lower house of Congress he idolized him; that upon one occasion, when Mr. Bailey visited Austin six

years ago, John Hornsby met him and asked him to go around to the Driskill Hotel to meet Bailey. That he did so, and then found Mr. Bailey seated talking to several gentlemen; that he told Mr. Bailey that he would like to speak to him privately, and that Bailey put his arm around him and they walked off to the end of a corridor and sat down in a window. Mr. Belger says that at that time he was a member of the Austin Trades Council, and that he said to Mr. Bailey:

"We boys here want to know how you stand on the eight-hour law," whereupon Mr. Bailey began talking about his grandfather and then of his father and said he worked fifteen hours a day. At that juncture, says Mr. Belger, he got up, extended his hand and said, "Good-bye, Mr. Bailey; I am through with you," from which day he says he has had nothing to do with Mr. Bailey.

STATE DEMOCRATIC PRESS COMMENT.

Corsicana Courier-Light.

Bailey and The News—Senator Bailey has been terribly arraigning The Galveston-Dallas News lately. The Courier-Light well remembers that The News did more for Bailey on two occasions than any other newspaper in Texas. The two occasions were when Bailey made his speech on his rate bill amendment and when he defended himself against the Cosmopolitan attack. On both occasions The News gave exclusive use of a direct wire from Washington to Dallas and Galveston for his speeches. The leaders were written by Lon Wasson, a young man raised in Gainesville, and there is no better writer than Lon Wasson, and he is a great friend of Bailey, and his description of Bailey and the galleries and the Senate was great. Wasson was then The Galveston-Dallas News correspondent at Washington, the best position on The News. The News cut out the Associated Press news to get in Bailey's great speech and defense and carried it to all parts of Texas. To use the wires that way cost a mint of money; but The News paid it.

Cleburne Review.

Most of Mr. Bailey's ardent admirers say that a terrific warfare is being waged on the junior Senator. We think this is an erroneous impression. The fight is not on Mr. Bailey, but on the practice of public servants accepting fees from public service corporations—the institutions that the Government has been trying to control for years. If Mr. Bailey has the right to take fees of this kind, every public servant in Washington has the same right. The line has got to be drawn somewhere.

Waco Times Herald.

Just to keep the record straight. Mr. Bailey at Houston: "I want nothing from the people of Texas except what comes of their confidence and their good will." Mr. Bailey at Graham: "There will be no investigation. I am the nominee of the Democratic party."

San Angelo Standard.

The country papers had much to do in making Senator Bailey, and he repays them by calling their editors liars and slanderers.

Texarkana Courier.

The Courier wants to be a supporter of Senator Bailey. Why does not the Senator cease putting words which they never uttered in the mouths of his enemies? Why does he persist in setting up men of straw that he can easily pummel to pieces? There are issues to be met. The Senator knows what they are.

Beaumont Journal.

While the Bailey organs speak eloquently of Bailey's Congressional and Senatorial Record, they neglect to mention the important legislation which he initiated. Why is that?

Hall County Herald.

Bailey claims to have 116 members out of a total of 163 pledged to vote for him for the Senate. If this is true what is he worrying for? Or is it not possible

these 116 pledges are merely braggadocio; or perhaps the Senator may be as badly misled about these 116 as he was about Senator Senter of Dallas, whom he admits he expected to vote for him.

Bonham News.

Senator Bailey's friends really ought to get him to take something to reduce his abnormal egotism. As a great man he is entitled to a fair amount; but when it comes to cornering the world's supply, it is dangerous to the health and happiness of other men who consider themselves "some pumpkins." Senator Bailey ought to be more considerate of even his enemies.

Henrietta Independent.

If it is true, as Senator Bailey says, that Horace Chilton bribed the newspapers by subscribing for them, he got them dirt cheap. We are glad to know that when United States Senators get on the market they come high.

Dallas Times Herald.

Hon. Joseph K. Sibley of Pennsylvania has been given a splendid certificate of character by Senator Bailey. Hon. Joseph K. Sibley was a multi-millionaire Republican and then flopped to the Democrats. The Chicago platform caused him to execute another flop, and he landed in the house of Quay and has trained and fought with Quay and Penrose gangsters ever since. In Pennsylvania he is said to be the strong right arm of the Standard Oil and the strong left arm of "Divine Right" Baer. In the campaign last year, when Lewis J. Emery, head of the independent oil producers, was the nominee of Democrats and Republicans against the Penrose gang ticket nominee, true to his record, Hon. Joseph K. Sibley lined up with the gangsters and their allies. Only once in his political life has Joseph K. Sibley ever stood for the people and their interest, and that was the time the Democrats made him their nominee for congress. But he recognized "his master's voice," and landed in the Quay-Penrose camp the very next year. Of course, Mr. Sibley is a good man—he's a very rich man. Of course, he is a clean man—he has never broken into jail. Politically speaking, he hasn't a principle in common with the rank and file of his countrymen. He believes in the power of might, the rule of the dollar, the divinity of "vested rights," and considers it anarchistic for the government, Federal or state, to control the creatures which are government made. Personally, Joseph K. Sibley is a good fellow; socially, he is a prince; politically, he is a pirate sailing under the flag of the freebooter. He believes in the sanctity of the dollar and not in the sacredness of human rights—equal rights and equal privileges for all.

San Antonio Gazette.

Senator Bailey's campaign since the movement against him was started has been a series of masterly retreats. He has retreated until he has reached the last resort of the politician, the party whip, and armed with this he is making a last stand against his opponents. The arguments of Bailey and his friends in their last desperate refuge are leading them to ridiculous extremes. Under the political code which they have enunciated there is no appeal from a party indorsement or nomination. No matter what may be developed against a candidate subsequent to his receiving a nomination or indorsement, it must count for naught; the nomination or indorsement is an immunity bath that washes away all his past sins. The effect of this is to make the party the master instead of the servant of the people. Allegiance to this doctrine has made Tammany the corrupt organization that it is. Texans will never indorse such a monstrous political proposition.

Vernon Call.

The Call editor read up closely on the Bailey proceedings six years ago and was among the few newspaper men who could not vote for him in the primaries last July. It was not a demand of the people that caused Senator Bailey's name to be placed upon the Democratic primary ticket, but the slick work of the corporation politicians.

Nacogdoches Sentinel.

We don't like the idea of the Texas Legislature having to whitewash Senator Bailey every time it sends him back to Washington. There are plenty of clean men, amply qualified for Senator, whose records are not so bespattered with oil and other things that "smell to heaven" that there must be an "investigation" and whitewashing every six years. There are thousands of better men in Texas than Joe Bailey—maybe not so "brilliant," but truer to the people.

Laredo Times.

It seems now that all that is necessary to get your name free in every newspaper in the whole country is to borrow some from Mr. Pierce of kerosene oil fame.

Holland Progress.

It is presumable that Senator Bailey has begun to realize that oil and politics will not mix by this time.

Houston Chronicle.

Is Senator Bailey seeking to rehabilitate himself politically by cultivating old soldiers' reunions? It seems subtle politicians arrange invitations to him to deliver memorial addresses. Long ago it was the trick of the incompetent office seeker of the South to ward off attacks on bad records by calling back the passions that should have reposed with the dead dreams of the Confederacy. Many a corrupt heart and servile spirit has conjured up a ghost-walk of our beloved dead and made sentiment stand unholy guard between statesmanship and foul demagogism. The past is a land of the cypress and the myrtle; there the winds whisper sad memories over the graves of the departed! There the violets and lilies bloom and the ivy clusters where heroes are sleeping. There the author may go for poetry or fiction. There the patriotic may find examples for emulation, and momentoes for inspiration and eloquence. But, in the names of the saintly dead and the haloes of glory left by their stainless lives and sacrifices, let us protest against the base mockery and disgusting effrontery of a servant of the Standard Oil, against the honor of our state, invoking such holy memories.

In the sanctuary of our affections, where Davis, Lee, Jackson and Pickett find us on bended knees, let only those like Sir Galahad pure invade with votive offering. Time at last may crumble this edifice into dust, but while one stone remains, let it not be effaced with unclean hands.

Dallas Times Herald.

It is a hard matter to keep the record straight all the time, but The Times Herald is doing its best. The following is taken from the record of the house investigating committee:

"Chairman O'Neal started to read a telegraph from J. D. Johnson, but William A. Cocke stopped him with a question of personal privilege. He said: 'Mr. Chairman, I see from the newspapers this morning that Mr. Bailey called me a liar in the meeting of the committee of yesterday. I did not so understand it at the time. I want to say that I was telling the committee what I expected to prove by J. D. Suggs and Mr. Bailey denounced it as a lie and the man who said it as a fact a liar. If Mr. Bailey intended to call me a liar, I would only have considered the source. Only cats and dogs fight—not gentlemen—and only bullies brawl.' Mr. Jenkins: 'I did not consider that Mr. Cocke was asserting these things as facts, but that certain witnesses would testify, and Mr. Bailey said whoever would so testify would lie.'"

The Times Herald is a square dealer, and Mr. Cocke is placed right before his constituents—the people of Texas.

Rogers News.

If Bailey is re-elected the Democratic party of Texas should never again incorporate an anti-trust plank in its platform till every Senator and Representative voting in the affirmative is retired from the public service.

The Texas Coaster.

Bully Bluffer Bailey can convince any man that he (Bailey) is the greatest champion of the people extant, if that man will read but one speech; but if he reads all the speeches Joe has made from 1900 up to the present hour, that man will find himself in a wilderness of Grapevine ranches, Waters-Pierce oil tanks, \$200,000 fees, railroad wrecks in Tennessee, the big lumber thickets of the Kirby Lumber Company, in the pipe line of the Standard Oil Company, in perfect security of a \$5,000 charter, and last, but worst, in the middle of a Waters-Pierce loan swamp covering a credit of affluence from \$3,000 up to and including \$156,000. If Bailey can lead you through this wilderness blindfolded; or carry you through dead to all your faculties; or put out your eyes with red-hot bombastic bluff; or hypnotize you with his matchless magic wand of speech; or ride you through on the ass of hero worship; or drive you with the party lasso; then all hope is lost, and the Lone Star must be surrendered to the trusts that violate the laws and then come back, and the office of Attorney General is a fraud and should be abolished.

Killeen Messenger.

The way the Bailey organs mix themselves up on the defense of their idol is certainly amusing. * * * Senator Bailey absolutely refuses to tell when and how he paid those notes he gave H. Clay Pierce. Until he shows up on this particular matter the people are going to believe that he paid them in service for the oil trust. * * * According to the way some of the Bailey organs argue the nominee matter, a Democratic nominee can do no wrong. Following their arguments to a logical conclusion, Benedict Arnold should not have been denounced as a traitor because he had previously been looked upon as a patriotic American General.

Wichita Herald.

* * * The fact remains that Bailey is on the road to join Platt and Depew. His influence as a statesman is gone. * * * No unbiased person but believes that Mr. Bailey was in the employ of that company.

Cherokee County Banner.

Bailey, the immaculate—he who can borrow hundreds of thousands of dollars from trust magnates without security. * * * This Caesar certainly must feed on some truly wonderful diet and must anoint himself with some very precious oil (Standard, perhaps) to make him so great.

Corsicana Democrat-Truth.

In view of the confessions of Bailey, in view of the company he keeps and the accusations brought against him, no Representative feels bound by the collar brand or bond. The days of yellow dog politics died with the new era of enlightenment in Texas.

Glen Rose Herald.

And Bailey says he paid back that \$156,000 and all the other sums he borrowed of Pierce. Did he pay back in cash or in attorney's services, and if in cash, where did he get it?

Bellville Times.

Good morning. Have you been bulldozed yet?

Dallas Democrat.

The Party Whip in Oily Hands—This is the first case in which any Democrat of respectability has ever refused to be investigated when under serious charges. Supposing you go to your court house and ask to see the deed record, and the County Clerk hides it in order to keep it concealed until after he is elected. What would you think about it? The first thing an honest man calls for is a thorough investigation of his record—of any charge that you can bring against him. What if some fellow spreads the report that you are a horse thief—wouldn't you demand that he prove it? Would you say to him, "Wait until I get elected?" The only case in

which you would take that course is the case in which you are as guilty as a dog, and you know it.

Timpson Times.

If Senator Bailey were as guiltless, as his admirers believe, he would demand an investigation, whether he lost his seat or not. A perfectly innocent man would want vindication at any cost.

Ellis County Mirror.

Bailey's suggestion of "no investigation" stuns even some of his close friends and followers; nor is it surprising.

Baird Star.

Senator Bailey said in a speech at Graham that the Legislature would not investigate charges against him. Has he got the whole push bulldozed?

Gauze Gazette.

Joe Bailey advised New York Democrats to vote against Hearst, the Democratic nominee, but says our legislative representatives must vote for him because he is the Democratic nominee. We must stick to the nominee, but let Joe decide who the nominee is. In other words, we must recognize Joe as the only authority. The private morality of public officials is to be at a discount and the Democratic thousands of a great State like New York are not supposed to know when they have a nominee for Governor. This doctrine would be insulting if it were not so absurd.

Gatesville Star-Forum.

* * * According to Senator Bailey's own admission he commenced borrowing money from Pierce, the first time he ever met him and has kept it up ever since, and says he will continue to do so if re-elected to the United States Senate, if he needs it, and that is enough. The members of the Legislature who want their Senator to be that close to the president of a trust will vote for Bailey's re-election, and those who do not will vote against him, and there you are. We see no need of an investigation.

San Antonio Gazette.

Bailey the Boaster—If Senator Bailey is not careful he will blow up and burst from the explosive force of his own conceit. To read one of his speeches, especially the one delivered at Manor Thursday, is to be reminded of a turkey-cock, strutting about a barnyard with his tail outspread and his feathers erected, a picture of ridiculous self-pride. The Manor speech is fairly stuffed with self-laudation. According to Senator Bailey, Joseph W. Bailey is the greatest statesman, the bravest man, and the most brilliant intellect in the world. Indeed, it is doubtful whether Senator Bailey would even exclude the balance of the universe and paradise itself in defying the production of his equal.

Hemphill Leader.

Think of it! A "great" United States Senator, representing the greatest State on the American Continent, leaving as he admits imperative and important duties at Washington to come all the way back to Texas to bark back at the "cur dogs," "hounds," "bench-legged fice," "hyenas," etc., that have been barking at his heels. Now isn't that a spectacle for you? Congress, Mr. Bailey, has now been in session for about a month. You left Washington upon the publication of Attorney General Davidson's exposure, and before you left said that it would only take about two hours to straighten the matter out. On your way back you "accidentally" got left in St. Louis, the home of H. Clay Pierce, and was delayed there a day. It took you several days to reach Austin, and ever since you left Washington you have been traveling over the State of Texas with a pistol in your grip, denouncing the honest and patriotic citizens of your adopted state as liars, perjurers, hyenas, skunks, dogs, hounds, and dozens of other such sweet-scented epithets. Why aren't you at your post of duty, where the people of your country are paying you to be, defending your

people against the "infamous assaults" of Senator Foraker? Is it of more importance that you remain in Texas to bark back at these "dogs" and "hounds" that are on your trail? Now, Mr. Bailey, you have boasted that your public record was pure and that you have done no wrong. If this be true, then why in the name of that Almighty God are you and your friends afraid of a legislative investigation or afraid to submit the proposition to the people of the great State of Texas?

Mineral Wells Index.

Every subterfuge is being resorted to delay an investigation by the Bailey element. The resolution was made to make the Attorney General a party to the investigation, and Gen. Davidson has handed them a resounding jolt by inviting an investigation; indeed, some weeks ago he practically made the investigation, ignorant of the facts that he would be included. In a few words, why should not Senator Bailey court an investigation? This seems to be a fair proposition, regardless of for or against him. No innocent man should fear an impartial investigation, and surely the Legislature is capable of doing so.

Dallas News.

Senator Bailey has notified the Legislature, that, come what will, "I"—any big game post will do—am going to be inaugurated as Senator, in spite of high water, Wednesday. Let us Texans leave off ribbing the Germans on "Mineself und Got." Julius Caesar was a wooden pigmy!

Frost Star.

All the defense Bailey's friends can put up is that he is a very smart man. Nobody has denied that. The Waters-Pierce Oil Company, the Kirby Lumber Company and all moneyed trusts know it as well as we do, and that is why we would like to see him relegated to private life.

Reisel Rustler.

Senator Bailey and his adherents are strictly opposed to an investigation of Bailey by the Legislature. Do they fear that something worse than the present charges may yet be uncovered?

Jacksboro News.

Senator Bailey is fighting an investigation with all his might. On the other hand, Davidson in answering Bailey's charge against him insists that the Legislature investigate the charges made by Bailey against him. Davidson put in a solor plexus blow there.

Morgan Tribune.

Mr. Bailey's word no longer goes. The people now demand the proof. Nothing short of a thorough investigation will be tolerated.

Dallas News.

It really seems that the people of Texas might just as well go 'way back and sit down, since the leading defendant of Senator Bailey, in resisting an investigation that will investigate, has declared openly, in his speech favoring the Senator, that it is no business of the public. "They say they will ask an investigation because then everybody will be satisfied. They will have an investigation because the people demand it. The people have no right to demand it." Such is the contention of misrepresentatives of the people who are set in their purpose to whitewash Senator Bailey and send him back to Washington. They do not say in so many words, "the people be damned!" but their contention seems to amount to about the same thing. The News quotes the expression of this one of Senator Bailey's leading advocates regarding the untrammelled prerogative of the members of the House to vote in favor of the whitewash method just to show how utterly inconsistent they are in putting forth this contention one minute and in then turning squarely around the next minute to the contention that it is none of the members' business; that members have nothing to do with it, since the primary election takes away all of their right and

power in the premises. Inconsistency is certainly the softest term that can be applied to the numerous contradictions of this character.

Dallas News.

Some of Senator Bailey's supporters insist that the Kennedy plan provides for more thorough investigation than the other plan. If that is true, why do they object to the Duncan plan so hysterically?

San Antonio Light.

The week at Austin opens with the Bailey forces in a far weaker position than they were at the opening of the Legislature. The opposition to investigation, both open and covert on the part of himself and friends has turned the scales in many minds, and there is a feeling that he would not have resorted to these tactics had he been certain of his ground and confident that an investigation could bring out nothing to discredit his candidacy as a Senator. Representative Cocke, from this district, was early in the field as an open opponent of the re-election of Bailey and he is doing splendid work in the Legislature in aiding and directing the fight for a down to the ground investigation. He has had the courage of his convictions in this matter, and whatever the result will be better known in the State as a young man of positive convictions than he otherwise would have been for indefinite years. The Senator from this district, Green, as was to have been expected, favors the fullest investigation and there is not any doubt now that such investigation will be held. The fact that such investigation is against the strongest protest that Bailey and his friends could make, and that it is the work of all shades of legislative opinion, will be felt in every stage of that investigation. The sentiment in favor of the fullest inquest into this whole matter is gathering force like a boulder rolling down the mountain.

Texarkana Courier.

Another Disgusted One—Ex-Congressman Cockrell of Abilene, has gone over to the anti-Bailey forces. He has been a long and steadfast friend of the Senator but the efforts of him and his friends to stave off an investigation that would investigate, were too much for the old man.

Cuero Star.

Yes, the News was fair, according to Bailey, until his confessions turned The News against him.

Denton Record and Chronicle.

If a Grand Jury were impaneled only to await the coming of witnesses against a certain alleged criminal, how long would it be before an indictment would be returned? Yet that is the purpose of the Kennedy substitute.

McKinney Courier-Gazette.

Will there be an investigation? Senator Bailey says that there will not be one; General Davidson asks that one be made. If Senator Bailey has done no wrong, certainly an investigation would not hurt him.

San Antonio Gazette.

Senator Bailey's opposition to an investigation is explained only on the theory that he fears an investigation. His attitude is having the effect of alienating thousands of citizens who were his sincere friends and who desired to see him triumph over his opponents, but who see in his refusal to submit to an investigation a confession of the weakness of his cause.

Terrell Transcript.

"Lest we forget," the Transcript would remind its readers that Senator Bailey said there would be no investigation of his course by the Legislature. Now, as though perceiving the inevitable, he hastens to say that he is not at all averse to an investigation, provided it is along the lines he shall designate.

Beaumont Journal.

United States Senator Bailey now says he will welcome an investigation, provided it is conducted along lines suggested by him. The Senator is possibly too late in bowing to the will of the people.

Wilson County Journal.

Texas has had good reasons for being proud of her two Senators. Both Bailey and Culberson are far above the average Senator. The Journal has always had the greatest respect for both of them, because of their recognized ability. Both have been useful to the State and to the whole country. It will be remembered that Lucifer was once a bright and shining light in the courts of glory; but he was not able to withstand temptation and he fell. Our senior Senator has a more level head than the junior Senator. If he was tempted, as all public men are, he was able to withstand it. But our junior Senator was flattered by those in high station. His bump of self-esteem is very large and, when he considered the fat bank account of his friend, Pierce, he persuaded himself that he could easily reduce it somewhat by serving him and his constituents would be none the wiser. That is where he forgot that it is written: "No man can serve two masters." He also forgot that it is written: "Whatsoever a man sows that shall he also reap."

Ector County Democrat.

Ninety-five per cent of the Texas preachers are proudly supporting Bailey, so says some East Texas papers who are for Bailey strong as horseradish. It puzzles us how any true man of God can conscientiously support Bailey after reading his self-convicting statements.

Venus Times.

The Bailey controversy will do good. It will teach the officers that no man is greater than the people and that they must answer to the people for their conduct while in office.

Dallas Laborer.

Bailey—The First Flower of Texas Capitalism—Many people of the South have taken, until just lately, the view that while the United States Senate was controlled by the capitalists—sugar, steel, tobacco, oil—this control was exercised through men from the North, not from the South. They seemed to think Southerners had more rugged honesty than the Northern Republicans. Quay, Aldrich, Depew and Platt were National disgraces, but the roll of Southern Senators included no such men. This view was, in fact, correct until the last few decades. * * * But things are changed now and the Bailey affair gives public notice of it.

Texarkana Courier.

Why does Senator Bailey object to a legislative investigation with Henry C. Pierce and other trusts?

Arlington Journal.

Bailey may still be able to be elected, but if so it will be by a majority so small as to be shorn of all semblance of victory. Already he has sustained defeat a thousand times worse than loss of office or some important issue, or when opposed by an honorable opponent. No man ever lost more followers in so short a time, especially when not opposed by anything but his own record.

Corsicana Democrat-Truth.

To read what he says, one would think Bailey bigger than his State. Of course he must not be rated as he talks.

ON SLAPPING BAILEY.

ATTITUDE OF HIS DEFENDERS SHOWS KNOWLEDGE OF HIS GUILT.

To the Editor of The Chronicle.

It looks like every time a member of the legislature proposes a measure to restrict congressmen and legislators from accepting services as attorneys for corporations

regulated by state and national legislatures a mighty howl goes up from the apostles of Bailey "that it's a slap in Senator Bailey's face." Is all legislation looking to the protection of the people against trusts and corporations whose efforts seem to be to control legislation in their own interest, to be abandoned because such attempts seem to tread on the very sensitive corns of some servant of the people.

The gentlemen raising this howl say that Senator Bailey has been vindicated. That all charges brought against him are untrue; that he is as innocent as a new born babe. If this be true, then why would this be any more of a slap at Senator Bailey than at Senator Culberson and all of our congressmen?

The members of the legislature who make this sort of a play to defeat a very important measure are not fooling the people. The intelligence of the people who do the voting is underestimated by such men, which fact they will learn later on.

So long as congressmen are unrestricted and allowed to serve corporations and trusts which are subject to regulation by congress, just so long will the people's interests be in jeopardy. The old saying that a man cannot serve two masters has always proven true and while attempting to serve two masters it is human nature for the one paying the largest salary to get the best services. This is not, nor is it intended as a slap in the face of any one, but a plain statement of facts that our lawmakers will do well to ponder in their minds before retiring to their constituents.

ALF H. H. TOLAR.

CHAPTER XLVIII.

A FITTING FINALE.

The day following Bailey's so-called exoneration by the Thirtieth Legislature, February 27, 1907, and after he had delivered himself of his famous Rogues' Gallery Speech, Mr. Bailey and his Legislative supporters, were carried by a special train from Austin to Gainesville—Bailey's Texas home. The following laconic and ironic contemporaneous account of his reception there is no less amusing than self-explanatory.

A MIGHTY WAVE OF SOUND RATTLED GAINESVILLE WINDOWS.

Nothing Like the Bailey Celebration Has Ever Been Known in Texas.—Trinity River Turned From Its Course and Ran for the Gulf.

Houston Chronicle. (3-24-07.)

(By Special Train.)

Gainesville, Texas, March 23.—Not since Hellgate was blown out of the solid rock which fringed New York Harbor has there been even an approximation of the overwhelming, indefinable and indescribable sound which shook this city from center to circumference this afternoon.

The noise alluded to was that made when the countless thousands of visitors and members of the legislature, either countless or not worth counting, caught their first glimpse of Hon. Joseph Weldon Bailey, who is acclaimed by himself and his friends as a greater democrat than Jefferson, a greater statesman than Calhoun, and the greatest man that ever was, is now, or ever will be.

The spectacle was one that can never be forgotten. It is believed that even J. D. Johnson would have been able to remember it if he had been present.

Empires may rise (like the price of oil) or fall (like the Trinity river at low tide); monuments may tower to the skies and crumble to dust; the elements of material trusts may resolve themselves into original chaos, but as long as the memory of important events is kept from oblivion by the sages of history, the scenes of today will stand forth in dauntless splendor.

Picture, if you can, three hundred thousand Texas democrats covering like an animated blanket a space of ground as big as a blue grass farm. Imagine the magic name of Bailey coming in simultaneous harmony from the number of throats enumerated. Draw a bigger draft on your imagination than Bailey ever drew on Pierce, and then realize how utterly inadequate words are to describe the scenes accompanying this tremendous ovation.

A dispatch received from Dallas while the celebration was at its height was to the effect that Trinity river had turned from its regular course and ran up a small hill in breathless terror, the waters overflowing into the "west fork" and making a navigable channel of that branch of the parent stream.

The noise above recorded was not confined to democratic vocalism. The mighty chorus was swelled by the deep basso profundo of pastured bulls, who bellowed "Bailey," and by the baritones of noble steeds on the prairies who neighed and whinnied "Bailey." High up in the trees the little birds twittered, and down in the marshes the bull frogs croaked, "Bailey, Bailey, Bailey." Sheep bleated on the meadows, and dogs bayed from the timber, "Bailey, Bailey, Bailey."

The dogs mentioned were the only things in all creation to suggest that Senator Bailey ever had an enemy, and the Trinity river, above mentioned, is the only thing which has ever indicated a willingness to run into the gulf at Senator Bailey's bidding.

The only thing that marred the festivities of the day was the arrest of a man who yelled "Kerosene" several times. He was charged with disturbing public worship.

FESTIVE SCENES.

Tonight will bring to a close one of the grandest and most awe-inspiring celebrations perhaps ever held, not excepting the crowning of high potentates and creation of monarchies in olden times, when pomp and officialism was universal and adhered to religiously.

During the triumphant hour of the grandiloquent flow of almost divine words from the pure lips of Mr. Pierce's friend, there were periods of 10 and 15 minutes, when not even the flutter was noticeable in the 65-foot streamers so gracefully elevated by the breeze.

Twenty air currents were moving at the time of the address, each in a different direction, and the streamers standing out in fantastic splendor, were strikingly sentimental, each being so arranged beforehand as to point directly at the senator.

Then would awaken from a delightful reverie by throatbursting applause from the countless thousands who had assembled and drunk in the great patriot's words, most of those present becoming so overcome by the sublimity of the occasion and perfect divine oratory, as to be blinded with tears.

A great many memorized the words, the very quintessence of pure English, as they fell so freely from the lips of the speaker, and a petition was started requesting the members of the legislature to remain in adjournment two weeks longer in order to follow Senator Bailey around.

Space was so scarce within a radius of two miles of the speaker's stand that the official stenographers for the occasion could get no nearer than three-quarters of a mile of the speaker, but each was supplied with a typewritten copy of the speech three days ago, as were also the great papers they represent.

THE ROGUES' GALLERY.

Perhaps the most impressive feature of the decorations was a life-size photograph of the senator himself, supported by golden nails with diamond heads, driven into soft Kentucky spruce scaffolding, the picture frame being of pure radium.

To the left of the senator's picture was the life-size photograph of W. A. Cocke of San Antonio and the lieutenant governor, surrounded by smaller photographs of the famous "Bailey Rogues' Gallery" of 58 members of the Legislature, some state officials and prominent citizens of the state, draped in yellow cheesecloth.

To the right, hung with gold and silver ropes, with pure gold frames and studded with emeralds, were life-size photographs of Senators Hanger and Odell, Hon. T. N. Jones, of Tyler and a great array of members of the legislature.

Among the remarks of the senator today, he was expected to say that he regretted the necessity of adjourning the legislature at this trying and important time, but he realized the fact they all wanted to see him (great applause), and he hated to go back to Kentucky without seeing them (deafening applause). "You could very easily come up here, (you bet, you bet), and besides I arranged for a special train for you." (Prolonged and deafening applause.)

At this juncture the 12,000 bouquets carried by the escort of honor were laid at the feet of the great statesman after each decayed or withered petal had been removed.

The demonstration almost shattered adjacent window lights, and the very earth trembled when the senator stopped and, picking up one of the whitest, placed it in the lapel of his coat.

Some times the speaker would be interrupted for hours at a time by the wild applause, three companies of infantry being always on the alert to prevent the vast multitude from forgetting themselves in their great joy and enthusiasm.

It was expected that in closing his remarks Senator Bailey would say that some day soon he hoped to be able to give every democrat in Texas a colt (ear-splitting

applause and six bands started music to restore order), but would have to serve part of his coming term before he would be able to do so. (Wild and prolonged cheering.)

On account of delay on the road, 79 coaches of admirers arrived at this time, and the speaking adjourned to allow the visitors to shake hands with the mighty statesman and political warrior with so many laurels on his brow.

As this special is sent over the leased wire for the occasion, the banquet is still in progress and will perhaps continue for seven or eight days, as the advance program of impromptu speeches is very lengthy and will require several days to complete. Senator Bailey is on the program for 32 toasts, each of eight minutes, with numerous senators and representatives on the list for six to twenty-one times each for five minute talks.

The prairie for miles around is a veritable blaze of glory, bonfires in honor of the occasion being noticeable for 20 and 30 miles outside the city.

No pen can fully picture the scene, nor could any tongue except that of the illustrious senator or his closest friends recite the full details of the glowing-awe-producing effects of this, Gainesville's greatest, grandest, most stupendous and enthusiastic demonstration ever accorded mortal man.

P. D. Q.

BAILEY'S "INDISCRETIONS."

(By Hon. Lee Young, of Stephenville, Texas.)

Hon. Lee Young, of Stephenville, Erath County, was one of the four eminent Texas Democrats in private life nominated by the Waco Anti-Baileyism Convention as a candidate for delegate at large to the Denver National Convention. Mr. Young has strikingly summarized some of Mr. Bailey's numerous "indiscretions" in the following "soft words but hard argument."

Bailey is the most indiscreet man in America. A few of his indiscreet acts may fairly be considered in determining his fitness to represent the people of Texas.

He was indiscreet in borrowing 21,000 acres of land from D. R. Francis when Francis was an applicant before congress for large appropriations for the Louisiana Purchase Exposition, thereby placing himself under obligations to Francis.

He was indiscreet in assisting the Waters-Pierce Oil Company into Texas and in thus paying his debt to Francis.

He was indiscreet in borrowing, if he did borrow, \$3300 from Pierce on an acquaintance of a few hours, when so many people of Texas would have been glad to lend him money—on good security.

He was indiscreet in leaving his duties in congress and in coming to Texas to assist in defeating legislation against the Waters-Pierce Oil Company before the Legislature in 1901.

He was indiscreet in accepting from H. Clay Pierce a loan of \$8,000 and in giving his note for this amount. If he was honest in accepting the loan it still placed him at the mercy of Pierce.

He was indiscreet in permitting this note to be carried into the books of the Waters-Pierce Oil Company and charged to profit and loss.

Bailey was indiscreet in accepting \$1750 from H. Clay Pierce on or about April 1, 1901.

Bailey was indiscreet in returning this \$1750 to Pierce when, according to his testimony it was a part of a loan of \$8000 secured on the indiscreet \$8000 note.

Bailey was indiscreet in entering into an agreement or undertaking an obligation to keep all Texas parties quiet.

Bailey was indiscreet in placing himself on the pay roll of the Standard Oil Company by service to it in chartering the Security Oil Company, a branch of the Standard and in accepting a fee of \$5,000 for work worth only \$100.

He was indiscreet in denying that he had ever received compensation from the Waters-Pierce Oil Company when he had received a fee of \$1750.

Bailey was indiscreet in failing and refusing to inform the people of Texas that

he was under financial obligations and in the employment of Standard Oil and Waters-Pierce and H. C. Pierce.

Bailey was indiscreet in borrowing \$28,100 from John W. Gates and he was indiscreet in giving his note for the amount when Gates was interested in legislation, then pending before congress.

Bailey was indiscreet in accepting a fee of \$2,500 from Standard Oil for an opinion as to whether they could do business in Texas.

Bailey was indiscreet in assisting in the organization of the Kirby Lumber Company, a trust to levy taxes upon the homes of the people of Texas.

Bailey was indiscreet in accepting fees aggregating \$225,000 from John H. Kirby and the Kirby Lumber Company when that corporation was engaged in interstate commerce and rate regulation was of importance to it.

Bailey was indiscreet in becoming the attorney for the Standard Oil Company and in placing himself under obligation to that company for fees out of proportion to the services rendered.

Bailey was indiscreet in trying to defeat any investigation and then in having his supporters to provide such an investigation as he desired, by which the legislature was buncoed and the people themselves prevented from knowing the facts.

Bailey was indiscreet in bullying and browbeating members of the legislature, and in threatening to force them to vote against an investigation.

Bailey was indiscreet in attempting to create a machine within the democratic party, for his own use, and subservient to his will.

Bailey is indiscreet and indecent in charging those who do not approve of his course with being "Liars," "thieves," "hypocrites," "knaves," "rogues," "hyenas," and in using such vile language as would detract from the respectability of a prize ring.

Bailey is indiscreet in threatening to drive all those who do not agree with him into the Gulf of Mexico.

Bailey is indiscreet in attacking Attorney General Davidson. Davidson did no more than to secure some evidence for use against a trust and accidentally—or incidentally—Bailey was compromised.

Bailey and his organs are indiscreet in attacking Attorney General Davidson and in denouncing him, since his repeated and continued victories over the trusts.

Bailey is indiscreet in attacking Davidson since he continues doing the trusts service in discrediting the state's law officer and in attempting to bring its administration into disrepute.

Bailey was indiscreet and ridiculous in his denunciation of the members of the legislature who voted against him, and in threatening to place their pictures in a rogues gallery—in his home.

Bailey was indiscreet in connection with the two oil companies at Houston.

If these indiscretions are honest, then he is most unfortunate to have subjected himself to the conclusions which must be drawn from them. If they are not honest, then he is unfortunate in having them made public. That a man so brilliant should be so indiscreet arouses distrust. Having so many honors, why does he wish to go to Denver? If he should be elected will he serve the people or will he find more profitable employment for the enemies of the people?

THE TWO JOSEPHS.

For the Williamson County Sun.

The ancient Joseph was a favorite of his father; wore a coat of many colors, which was dipped in the blood of a kid by his brothers. The modern Joseph was the favorite of Texas people; has a coat of many colors dipped in oil and called Senator. The first saw the camels coming, the second sang "Campbells are Coming."

The first was sold by his brothers. The second sold his brethren.

The ancient Joseph was taken from prison and made prime minister. The modern Joseph has forfeited his right to his present position and should go where the ancient Joseph came from.

The first Joseph, by his statesmanship and influence saved the people through seven years of famine. The second Joseph, seven years ago by his influence helped an outlawed trust back into Texas to prey upon his people.

The first went through the land gathering corn. The second is going through the country, denouncing those who oppose him.

The ancient Joseph's brothers did not know him when they came to Egypt to buy corn. The modern Joseph's brethren did not know him so well as now, for they see the hand of Esau and hear the voice of Jacob.

The first Joseph was kind, polite, meek, clean in lip and forgiving. The second is noted for absence of all these good qualities.

The ancient Joseph assured his brethren of his good will and renewed his covenant with them. The modern Joseph used vulgar, barroom expressions and said he would "bury them face downward."

The first Joseph bought and sold corn. The second Joseph is dealer in influence.

The first Joseph's name was changed to Zaph-uath-pa-a-ne-ah. The second Joseph's name was changed to "Republiah." A fearful degeneration of the name of Joseph.

The record of the first Joseph is found in Genesis 41 to 50 chapters, said history. The second Joseph's record is found in the proceedings of the Thirtieth Texas Legislature and the Standard Oil Company's books.

M. S. H.

"IF SENATOR BAILEY WAS ———?"

Farmersville Times.

If Senator Bailey had been a smart man he would not have acted so silly as he has on different occasions. If he was a brave man he would resign his seat in the United States Senate and dare to face the charges against him before the people. If he was an innocent man he would not act so guilty. If he was a religious man he would express real penitence in some manner for the sins he has committed. If he was a representative statesman he would not have intimate pecuniary connections with outlawed and law defying corporations. If he was such a staunch democrat he would not make war on a democratic attorney general for enforcing a democratic anti-trust law. If he was devoted to the welfare of the people he would not have used his brazen cunningness in scheming and assisting an outlawed trust to evade a law devised for the protection of the people. If he was a patriot he would place his country's welfare above his selfish aggrandizement. But this inventory of the imperfections of Texas' immaculate (?) junior senator may be carried out *ad infinitum* if we had the time and patience required to finish it.

CHAPTER XLIX.

A STIRRING AND PATRIOTIC ADDRESS.

By "Cyclone" (J. H.) Davis.

The following strong address by Hon. J. H. Davis, of Sulphur Springs, is here reproduced for its inherent literary, oratorical and argumentative value, as well as a specimen of the contemporaneous public utterances on this important question: "Shall the People or the Trusts Control this Government?"

Longview, Texas, March 27, 1908.—The following address on Baileyism and Senator Bailey's relations with the Waters-Pierce Oil Company, was delivered here on Wednesday evening by Hon. J. H. (Cyclone) Davis. The address, as an example of campaign eloquence, is a remarkable one, and will repay perusal at the hands of every voter in Texas who is seeking for the real facts in one of the most remarkable political dramas of modern times. The address follows:

Every patriotic man in the state today should look with unfeigned approbation on Robert Vance Davidson, who, standing up for the principles upon which he and Tom Campbell were elected, and the honest enforcement of law, has put the Standard Oil gang in Texas under a fine of over a million and a half dollars obtained in a conflict never before equaled in Texas courts. He fought millions of money in the hands of a set, which has never hesitated to boodlize, bribe and bulldoze its way where possible. He fought the strongest array of legal minds that the combined trusts of America could put against him. Added to all this opposition has been Joe Bailey with all the weight of his political power and machine with every character of abuse, with all the malignant language that a master mind could invent, traducing and maligning in the vilest way the man and set of men who were fighting the legal battles of the people against some of the most unscrupulous lawbreakers that ever went unhung. Davidson was fighting the gang that Joe used to talk so glibly about putting in horizontal stripes. But Joe had gotten so mixed with the gang, they had been so generous with Joe, their gold and greenbacks, diamonds and jewels were in Joe's casket by the hundreds of thousands in value, and when Joe looked upon these he was metamorphosed into the mellowest friend of the gang and a most malicious enemy of Davidson, and with the most intense vehemence wanted Davidson put in stripes. My God, what a change—what a change.

To defeat Davidson at the polls on this issue is to say to your next attorney general that if he is prosecuting some other criminal like Bailey's "friend" Pierce and finds Bailey or some officer aiding and abetting as a pal and party to the crime he must suppress the facts, dismiss the case, lest he might expose Joe Bailey. And there are those who really believe that Joe is so criminally connected with the lumber trust and other unlawful combines that dread Davidson that he and his kind dare not risk them in office two more years lest he uncover so much of their crime that Joe and his pals won't have oil enough to still the troubled waters in Texas.

Joe says we hate him. Oh, no, we pity him. We think it indeed a lamentable pity that Joe is so closely spooned up to that Standard Oil gang that every time Davidson hits the gang he raises a whirl on Joe also.

Some of Bailey's satellites say that Bailey is a democratic hero. We answer back that he is a plutocratic Nero. With stoic indifference to the pleading prayers of his plundered people, he is flirting and fiddling with H. Clay Pierce while democratic Rome burns to ashes.

When Tom Smith, the then attorney general, found that Joe Bailey, his boyhood and lifelong friend, had leagued with the Pierce and the Standard Oil gang to defraud Texas, circumvent the judgment of all her courts, prevent the collection of her fines, and make her well won victory a fraud and delusion, he turned to Mr.

Pierce in mortification and grief and exclaimed "you have ruined me politically." And Frederick U. Adams, the paid writer who stands at the head of the Bailey and Standard Oil political press bureau in Texas, admits that Tom Smith died of a broken heart. Let the silent sods on Tom Smith's grave repeat those weird words to Joe Bailey today, ruined, ruined, ruined.

Calmly reviewing the concrete facts in the case I find Tom Smith, the victim of the clan, laid mute and lifeless under the clay. I find the state of Texas robbed of the most righteous verdict it had ever obtained against that gang of greedy grafters, whose marauding misconduct makes up the history of the Standard Oil trust. Lifting up the veil of six years concealment I find Joe Bailey, the sworn representative of the people who had been robbed and betrayed and the schoolmate and friend of the man who had been ruined as the gloating victor in this drama of fraud standing close by with three thousand three hundred dollars of the robber's money in his pocket, obtained under a pledge that he would try to render unto these buccaneers in this clan of corruption the exact service therein accomplished. Tom Smith saw the outrageous wrong swept over his head and perpetrated against the state, her courts and his people. He saw its perfidy, its turpitude, and ashamed and shocked thereby he exclaimed "you have ruined me."

The world understands that Brutus, the friend of Caesar, leagued and conspired with his enemies to betray and ruin him. But no historian has ever suggested that he got \$3,300 while he was at it.

A RECORD OF SHAME.

For 20 years this Standard Oil gang has defied the law of our Union, defied the law of our states, and made a mockery of our courts. With untold millions they had bound themselves together under the common code of a pirate or highway robber and allowed no man to transact a rival business except upon the heartless terms they were willing to grant. With a vast aggregation of boodle and brains unrestrained by one more virtue they had trampled under foot our most wholesome laws and set a premium on political rascality and judicial debauchery. With their swollen fortunes they raised to place and power an army of their political peons in every department of our government to do their bidding. Almost every political platform of the democratic and populist parties for years had pointed to the havoc of their conduct and demanded their suppression. The Standard Oil Company with its different aliases had been headlined a thousand times as a hideous monster sucking the life blood of a suffering people. Under prosecution and conviction in more than a dozen states in the Union on more than ten thousand counts of criminal conduct, guilty of almost every species of vice and villainy, duplicity and deception, forgery, fraud and false swearing they had festered the body politic with moral depravity in a hundred ways. And yet cognizant of all these conditions, Joe Bailey joins his fortunes to theirs, enters the inner circles of their secret councils, fills his pockets with their pelf and becomes their friend, their flunkey or their paid attorney. If their friend then he deserted his state in her most trying conflict to become the friend, counsel and consort of a lot of her convicted criminals and outlaws. If their flunkey, then let us bow in humility and shame while our senator cowers, cringes and fawns as a servile sycophant round this gilded gang of frenzied financiers whose morals are the morals of a malefactor and whose only god is gold. If their paid attorney, then his guilt is complete, his crime the more culpable. For it makes clear the fact that he without the love of God or the dread of the devil vacated every vow in his oath of office, turned his back upon his suffering and confiding constituency who looked up to him as the Samson of their Israel and the Solomon of their Judea, and filling his flanks with their filthy lucre he bargained to betray and sell his people into bondage.

Ah, my friends, this is not a mere matter of men; men like the fading shadows of a passing day are soon gone, but the principles for which we stand live in the unfading light of everlasting right.

If Joe Bailey is right then Judas Iscariot was a Christian saint and the Christian world should build him a shrine.

Joe Bailey, training with that Standard Oil gang of putrid pelf peddlers, that basest brigade of political prostitutes that ever disgraced a civilization, assumes an air of imperious insolence and says to Tom Campbell, our patriotic governor, that he must be good, with the mental reservation clearly implied that he must stand by, hold the garments and consent unto the death. While this gang covers Attorney General Davidson with calumny and stones him to death, because forsooth he has been true to his country, true to his party, true to his platforms and demands, true to his oath of office, and faithful execution of the laws of the state has uncovered their infamy, laid bare their treachery, exposed their corruption and condemned their crimes. All of which in their code of ethics are unforgivable sins.

Again let me call for the question of right and wrong. If Joe Bailey is right then Benedict Arnold was an American patriot and George Washington a venal villain.

JOSEPH AND JUDAS.

But they tell us Joe has just made a great speech in defense of the poor and against the Aldrich bill. Praise be unto Joe if this speech came from the abundance of his heart. But it must be remembered that Judas, too, once made a speech in favor of the poor and with great gusto asked why the ointment was not sold and the money given to the poor. Then Jehova rose from his great white throne lest the world mistake Judas for a patriot because of that speech and explained "this he said, not that he cared for the poor, but because he was a thief, and had the bag and bore what was put therein."

When Joe heaps on us all the bitterness and acrimony that an overflowing gall and swollen spleen, backed by the venom of a poisoned vocabulary, can invent, impelled by that law which makes all things breed after its kind, and as like produces like, we feel prone to answer in like manner. But remembering that God has said to us "never to answer a fool according to his folly" we refrain. But when Joe calls us dogs we answer back that Joe is mad because we won't let him tie oil cans to our tails. When Joe calls us hounds we answer back that Joe is mad because we are hot on the trial of a political polecat. With vilest imprecations Joe and his friends refer to me as a populist. Blessed be that name. It calls to my mind the many sleepless nights and suffering days I spent standing in battle line for an outraged people fighting the trusts and combines that Joe now gangs with and defends. It calls to mind the time when I had the honor to be called a leader among those two million of patriotic voters who stood up to condemn the Baileys and Baileyisms of 15 years ago. But if I were not otherwise proud of the name the term would sound sweet to me when I remember that in 1896 when than transcendent citizen, W. J. Bryan, was nominated by his party, Joe turned his back on him, and with a sneer and a snarl called him a populist, too.

PARTY AND PRINCIPLES.

Men are famed in history not because of the political parties they belonged to, but because of the principles they stood for. Thomas Jefferson, whom all true democrats honor and feel proud to follow, belonged to the republican party of his day, and called himself a republican, and the only time he was called a democrat was when some purse proud plutocrat like Bailey oozed it through his teeth in slimy contempt and thought he was humiliating Jefferson. There was no democratic party in that day; only a few scattering clubs of the common people called themselves democrats. Surely no man is following Jefferson because he was a member of the republican party. In times past I have been disloyal to the organized democratic party, but never disloyal to its principles. The difference between Joe and me is that Joe stayed to the party but has become a motley, apostate to its principles.

BAILEY AND BRYAN.

We all remember well Joe's escapade in 1896 when he became so "sanctified, pure and holy" that he refused to defile and debase himself low enough to run even on the same ticket with that "peerless patriot of the Platte," W. J. Bryan. It would

taint his democracy to fellowship Bryan, but it taints it not when he turns back the tinselled, fringed covered Standard Oil bed and goes to bed with Pierce.

And while Bryan, that noble tribune of the people, was under fire from the biggest guns of entrenched plutocracy, and while the old democratic ship was being bombarded by every trust in America, Joe Bailey, with an unctuous air of self importance, proposed to lay down his arms, desert the ship and go ashore because he would not fight under W. J. Bryan, and with a jeer and gibe denounced Bryan as a populist, saying "he is not my kind of a democrat."

The history of subsequent years has shown that Joe knew himself better than the world knew him when he made that remark. For, my God, there is no man today who be so lost to the truth of history as to accuse Bryan of being Joe Bailey's kind of democrat. The gulf between them is like that between Dives and Lazarus, with Bryan like Lazarus on Zion's mountain in Abraham's bosom, while Joe Bailey, like Dives, is 10 fathoms below—"being in torment."

Bryan, like the bird of paradise, is soaring in the limpid skies of the people's love; Joe, like the buzzard, his feathers already besmeared with offensive odor, is flying low and lubberly in a hazy mist looking for some rotten trust carcass upon which to alight and fill his maw. Truly and indeed, the most stupid man understands today that Bryan is not Bailey's kind of a democrat.

BAILEY'S KIND OF DEMOCRATS.

Away back in the formative period of this republic I see another man famed in the world's history for the purity of his democracy, who left us the legacy of liberty that Joe's trusts are trying to destroy. And when in conflict over what they called the consolidation and assumption acts in which the federal government was to assume all the war debts of the colonies, consolidate and fund them all into a basis for Alexander Hamilton's banking and money system which he was seeking to fasten on the people; Smith of South Carolina and Crawford of Georgia, two of Jefferson's friends in congress, it seems got Baileyized, got their pockets mixed up with the Hamilton bonds, or boodle, or bank stock, and deserted Jefferson and the common people, and joined, as Jefferson says, "Hamilton and the monied interests of the East." And Jefferson has left in plain English for the world to read that the prime motive for their acts was that they "feathered their nests with bills." So Jefferson, too, was not Bailey's kind of a democrat. In Andrew Jackson's fight with the old United States bank (the trust of that day), when the Biddles with their boodle or blanchiments of money had worked a resolution of censure through the senate condemning Jackson for vetoing the recharter of the old bank system, Jackson and his friends found that the leaders of the move with more than a score of their followers in congress owed the bank over one hundred thousand dollars. They raised a storm of indignation and Benton led the fight to expunge the resolution of censure upon the theory that these men were under control of the bank. They turned them down with defeat, yea, with disgrace, and literally spread black ink all over the resolution of censure. So we find that Andrew Jackson and Thomas Benton were not Bailey's kind of democrats. There were some there, but they left with black ink, as it was smeared all over them. When that never conquered but overwhelmed and vanquished chieftain of the South, General R. E. Lee, was approached even in private life and asked to commercialize his conscience and fame and go on the pay roll of a lot of corporate schemers, he answered with a no that still rings its accents along the corridors of time telling the world that he, too, was not Joe Bailey's kind of a democrat. Depew and Platt, Aldrich and his group who represent Rockefeller, Morgan and Ryan, who all like Bailey and all hate Bryan, steeped and soaked in the insurance frauds, standing up to their neck in most of the steamship and subsidy swindles, who always believes in immersion when it comes to watering the stock of a corporation, who swipe their millions as the swill goes by, they may be Joe's kind of a democrat.

THE LAW ON BRIBERY.

Joe brands us as a generation of liars and false accusers when we say he got that money, and then turns at once with loud acclamation saying he got it and will do it again because it has never influenced his vote. To which we answer that there isn't a court in the civilized world that will permit a bribe taker to make that plea in justification of his act. The motive of the bribe giver and the fact of accepting and appropriating by the taker make up the offense in every land. Test Joe's conduct by this doctrine and he is overwhelmed with proof on the face of every document in Davidson's hands and his own confessions make a conclusive plea of his guilt.

Ah, my friends, let us abate all malice and take it in the most acceptable light in which Joe himself puts it, which is that he has never been corrupted; that his conduct has been entirely legitimate and proper. Then it follows that if proper in one it is proper in all of our officers. And if Joe can take the oath of office as United States senator with a check for \$8,000 of Standard Oil money in his pockets, then the attorney general, governor and every other officer can follow his example. Under this doctrine pass your mind to the future. See the corrosion and corruption and crime that it must breed. The governor and all other of his officers on the pay roll of the gang that plunders the people. The judges and the jury on the pay roll of the scoundrel on trial. The attorney general and prosecuting attorney on the pay roll of the villains at the bar. If Joe Bailey had the moral right six years ago to take Standard Oil money and swamp the state, override the laws, and give right of way to that crowd of rascals, Tom Campbell has the same right now. Let him league and covenant with the gang, pull Pierce's leg for a few thousands, with a wink for more to come, override Davidson in this contest, and provide the plan by which this outlawed company is to beat its fines and swing back into power and go free. And then every time Davidson or some one else moved for an investigation, say it was a reflection on him. But, my God, why lengthen language in this way. The newspaper men of the country will remember that in his race with Chilton, Bailey charged Chilton with bribing most of the country editors because he gave them a dollar and subscribed to their paper. This shows Joe's idea of the influence of money over men (common men I mean)—not like Joe, of course, for his patrician purity is so immaculate that he can stand under the open spill hole of a Standard Oil tank for six years and never get the smell of oil on his garments. He is of the kind that is incorruptible and that fadeth not away.

He can promenade the corridors of Wall street and 26 Broadway, bask in the festoons and gorgeous flummery of the Waldorf Astoria, with his loving arms around Schwab and the steel trust gang, have them swab him all over and literally line his linen with half million steel trust dollars, send him down to Tennessee as their most trusted servant with ten millions of their property under his control. But it only makes him a better senator; makes him love the people more and love the steel trust less.

One dollar subscribed for his paper would work the mind, subvert the soul and corrupt the conscience of a country editor, but \$225,000 lathered all over Joe by the lumber trust and their allied gangs only adds to the luster of his life and makes him more anxious to serve the people and destroy the trusts. But why bandy words? Sodom of old was completely Baileyized—the vengeance of an outraged God swept the city from the face of earth and crumbled a woman into a pile of salt for even casting one regretful look back on its ruins.

Ladies and gentlemen, I bid you good-bye.

CHAPTER L.

YANCEY LEWIS ON BAILEYISM.

Hon. Yancey Lewis, former dean of the law department of the University of Texas, yesterday gave a letter to the press, in which he opposes Senator Bailey.

Mr. Lewis was for many years a personal friend and supporter of Senator Bailey. He introduced the Senator when he made his Cycle Park speech in Dallas in October, 1906. The following is Mr. Lewis' letter:

Certain features of the pending controversy in Texas rest upon undisputed facts, but their significance has to some extent been overlooked. The gravity of the issues involved constrains me to call attention to a few of them.

STANDARD OIL EMPLOYMENT.

An analysis of Senator Bailey's employment by the Standard Oil Company, as he stated the same in the legislative investigation, will clear up many matters that are still confused and render other issues now a matter of debate unimportant.

Senator Bailey testified before the legislative committee as follows:

"When the oil discovery at Beaumont was made they (the Standard Oil Company) asked me for my opinion whether they could transact business lawfully in Texas. I gave them a written opinion that they could not and I told them if they attempted it, the officers would be prosecuted and put in prison and their property would be absorbed in fines and penalties. After I sent them that written opinion, they asked me if I was willing to explain it. I went there and I reiterated it" (Record 899); that this occurred some time in 1901 (Record 944); that he thought the company sought his opinion in good faith (Record 947); "I think what they wanted to know was if they could come here and openly engage in business" (Record 974); that the ground of his opinion was that he thought the Standard Oil Company was a trust within the definition of our law; \$2,500 (Record 944).

It thus appears that for a consideration of \$2,500, Senator Bailey entered into a contract with the Standard Oil Company, by which he became legally and morally bound to do certain things, to-wit:

To determine whether under the anti-trust laws of Texas the Standard Oil Company could come into the State and do business and to inform the company of his conclusion. The anti-trust laws of Texas are exceedingly complex and intricate. They seek to define illegal combinations and agreements between individuals, partnerships or corporations, or any or all of these classes. Assuming that this transaction was entered into in good faith on the Senator's part, it must be accepted as true:

(a) That as a lawyer, Senator Bailey would not seek to apply the anti-trust laws of Texas to the relations or agreements of the Standard Oil Company with other persons, firms or corporations with the view to determining whether they fell within the terms of such anti-trust laws, defining unlawful combinations and agreements, until the facts to which that law was to be applied had been disclosed to him by the company.

(b) That if the Standard Oil Company had refused or failed to disclose these facts, the Senator would have instantly perceived that it was not acting in good faith and that its employment of him was for a sinister and not an honest purpose; in a word, that no lawyer could be blind to the significance of a proposal to pay him money for an opinion whether a certain law applied to certain facts when such facts were not made known to him.

(c) That the Standard Oil Company had such confidence in the Senator that it was willing to disclose to him the relations between itself and its subsidiary corporations, as well as its agreements with other persons, firms or corporations, so far as the same applied to the question of lawful or unlawful combinations.

LEGAL EFFECT OF THE CONTRACT.

If the transaction was in good faith on the Senator's part, as is assumed, it follows that he entered into this obligation to advise the Standard Oil Company without any mental reservation whatever, but with the full purpose to apply the law to the facts made known to him according to the best of his knowledge, judgment and ability, and to say that the company, with its methods and relations, could do business in Texas, if he so concluded, it follows, especially, that he did not intend to take the company's money for advising it that it could not do business in Texas, if his legal conclusion, with reference to the then existing laws of the State, was that it could.

It follows from the transaction, as a matter of ancient and most thoroughly settled law, that in entering into this contract with the Standard Oil Company, he Senator was willing to enter, and did enter, into a relation of the highest trust and confidence with it as regards the subject matter of the employment, and that the disclosures that were made by the company to him were matters of the highest privilege, not subject even to be testified to by him under the compulsion of a court, except by the consent of the Standard Oil Company.

Furthermore, as the Standard Oil Company was known to everyone to be engaged in interstate commerce, on a larger scale probably than any other individual, firm or corporation, it would appear to be impossible for it to have made the necessary privileged communications to the Senator without involving matters incident to interstate commerce, and which might properly be the subject of the Senator's legislative action, since the regulation of interstate commerce is exclusively committed to the Congress of the United States, of which he was a member.

MUST HAVE MADE DISCLOSURES.

If the assumption is correct, that the Standard Oil Company made the disclosures essential to be known to the Senator before he could give them an opinion upon the question submitted, it is of vital significance. The secrets of its inter-corporate and contract relations, of its business methods and agreements, this company has sought to guard as men guard their souls; and this is most natural, seeing that these secrets pertain to the very life of the company and the enjoyment of its property and revenues.

The United States in the exercise of its great powers and the State courts and agencies in the exercise of theirs, have for years sought in vain to obtain this information in a way to be provable by legal evidence. It is the expectation of the company to defeat the judgment for \$29,000,000 rendered in the United States Court in Illinois, upon the ground of lack of proof of these very acts. It will be the endeavor of the company to defeat the action of the United States to dissolve the corporation upon this same ground. That it should be willing to lay these facts bare to a United States Senator under oath to uphold the Constitution and laws of the United States, whose immediate and highest official duties constantly involve the question of more effective anti-trust regulation in the matter of interstate commerce, and who represented a State noted for its efforts to prevent by law corporate and trust combinations in restraint of trade, is a fact whose import can not escape the dullest mind.

Neither can the dullest mind fail to perceive, even though it be answered that the Standard Oil Company deceived him and did not disclose these, or all, essential facts to the Senator, that by his contract he said to the company that he was willing to have them disclose to him and to padlock his lips with reference to such facts because of the privilege attached by law to communications made by a client to his attorney.

Not the actual disclosure made, but the amazing fact heretofore unthinkable, that a Senator from this State was perfectly willing to have them made and to receive them in professional confidence as a basis of advice to a monopoly that has done more to destroy the morality of business methods, to break down the proper

confidence between men, to restrict the opportunities of the individual man, to destroy the liberties of the people and to imperil the continuance of our free institutions than all other agencies combined—this willingness is the dreadful fact which this admitted transaction establishes. That the primary assumption is correct, however, we may believe from the Senator's testimony that the ground of his opinion was that the ground of his opinion was that the company was a trust under our law.

The same facts, made known to him that would make it a trust under our law would go far to establish that it is an illegal combination under the United States laws. These are the facts the United States needed and needs in its present suits, and these our Senator, sworn to uphold its Constitution and laws, can not furnish, because his lips are sealed by his professional relation with the company.

But, more amazing still, it follows further, as a part of the legal and moral obligation of the contract into which the Senator has entered, that he was willing to undertake and did undertake, without regard to the interest or welfare of his constituents or the wishes of the people of Texas as expressed in their statutes or the public policy of the sovereign State, whose ambassador he was, to subject such statutes to to the most careful and exact analysis and construction of which his abilities were capable, to apply the results thereof to the facts, relations and methods of business made known to him by the Standard Oil Company, and if he found that by omission, inadvertance or other causes the statutes of the State failed, when most exactly and truly construed and applied, to cover the very character and nature of the Standard Oil Company's relations, methods and agreements, to advise the company wherein they failed to do so and how and why the company might do business in Texas without reference to those statutes and without regard to the wishes, desire or will of the people of Texas as they had sought to embody the same in their anti-trust laws.

OBLIGATIONS ON BAILEY.

As a part of the obligation of the contract into which he had thus entered for the consideration of \$2,500 it follows further that inasmuch as the laws of the State are not only expressed in their statutes, but also in the Constitutions, State and Federal, to which such statutes must conform, he was willing to undertake, and did undertake to subject the anti-trust laws of Texas to the most rigid and exact application of Constitutional rules and principles and to bring to bear upon these statutes all of his profound knowledge of Constitutional law with the view and for the purpose of pointing out to the Standard Oil Company whatever of Constitutional infirmity, vice or weakness there might be in the Texas anti-trust statutes, if any, because of which the Standard Oil Company might safely disregard and hold them for naught and openly plunder the Senator's constituents in defiance of their statutes.

In brief, the Senator entered into a contract with the Standard Oil Company itself, when his official duties related to the facts which the Standard Oil Company must necessarily disclose to enable him to perform his obligation to it, such disclosures involving the vital facts of the company's corporate relations, agreements and methods, was willing for these facts to be made known to him in the highest confidence and to be put in a position where he could never testify to them without the consent of the company, became bound to apply to such facts the laws of his State and to advise the company if they failed to cover the relations and methods thus disclosed to him and to point out the Constitutional defects, if any, in such statutes, rendering them inoperative and to do these things without regard to what he might believe to be the interest, wishes or desire of his constituents or to what extent this company might add to its swollen profits from the labor of those who had honored him with their confidence and made him the guardian of their welfare.

Gen. Lee was the greatest captain of his time, yet it is not believed that it would have been satisfactory to his soldiers or his people, if when Gen. Lee was in command of the Confederate Army at Petersburg, he had entered into a contract with the enemy, for a money consideration, whereby, with full purpose to perform his contract, he became obligated to receive from them knowledge of their numbers, strength, equipment and contemplated assault, and to inform them of the weakness

and defects in the fortifications which the engineers in his army had constructed, and to express an opinion whether they were adequate to resist the enemy's attack, even though, in compliance with his contract, he had expressed the opinion that they were adequate.

If these conclusions were sound, it seems idle to discuss the question whether the Senator aided the Waters-Pierce Oil Company in getting back into the State, with knowledge by him that it was a part of the Standard Oil Company, when he was willing to enter, and did actually enter, into a contract of the effect and obligation, set out above, with the Standard Oil Company itself.

INTERVENTION FOR WATERS-PIERCE.

Senator Bailey testified with reference to the first interview between him and Mr. Pierce as follows:

"I told him the Attorney General was a fine man, had a long time been a friend of mine, and I would take the matter up with him and that I would advise him, upon this showing, to compromise this judgment, allow the company to pay a fine commensurate with its offense against our law and to continue to do business in the State." (R. 838.)

At this time Attorney General Smith was the chief law officer of the State in the executive branch of its government, with duties and responsibilities defined by law and action that he might take in the premises was official action of the highest importance, under sworn responsibility.

At this time Senator Bailey was a Senator of the United States and the sphere of his duties was also defined by law, and was separate and apart from the concerns intrusted to the State Government.

The powers of the two governments, State and Federal, are separate and distinct and it has always been deemed of the supremest importance that they should be kept so. A great war was fought at an incalculable expense of blood and treasure to prevent the encroachments of the one upon the other.

Furthermore, within each government the powers thereof are distributed into three separate departments—the executive, legislative and the judicial. These separate checks each upon the other. It is deemed of the most vital moment in our institutions that these several departments should act independently according to the best judgment of the officers selected to discharge their functions. Upon what right principle could a Senator of the United States leave his sphere of official action, come into the domain of the State power and seek to influence or persuade an officer of the State Government in a matter of the utmost importance in which he was acting officially?

Would it be right and proper for him to do so with the Governor of a State or its judges, by private suggestion?

INFLUENCE OF A SENATOR.

It is known to all that a United States Senator is usually a man commanding, if not controlling, influence in the politics of a State; his influence is of the same kind and sometimes equal in degree to that which the President of the United States has in his State.

Would any man contend that Theodore Roosevelt, President of the United States, could, with due regard to sound principles, go into the State of New York and seek to influence its Attorney General, or other officer, in a grave matter of official duty pertaining exclusively to State affairs?

If the President is forbidden to do so, why not a United States Senator, whose duties are performed under the Federal Government?

It is true that the principles here suggested have in our history at times been disregarded, but, always, they have been disregarded with disastrous consequences. It was so in Pennsylvania when Quay backed by powerful corporate and special interests, annexed to his Senatorial duties the functions of the State Government, filled the State offices with his creatures, controlled the administrative policies of

the State, and thus, in fact, if not in name, overthrew Constitutional Government in that Commonwealth. It is so now in Rhode Island and Connecticut; it has been true at times in New York.

LIMITATIONS OF A SENATOR.

It is not claimed that a United States Senator may not have, and express, his opinions as regards State policies and State officers. The contention goes to this extent, that the soundest and most fundamental principle and reason keeps the several departments of the Government separate and should keep each of them free and unhampered by the influence of officers in other departments, and especially should keep the State officers, unhindered and uninfluenced in matters of their official duty, by the President or Senators of the United States Government, or other officers thereof; that this is a cardinal tenet of Democratic theory, upon which it has always jealously insisted; that when disregard of this principle is permitted by the people, they open the door to the gravest usurpations of authority and invite the most serious menace to the integrity of our system of government, namely, the rule of one man, "the boss," instead of the orderly administration of affairs, by officers chosen by the people and each acting independently within the limits of official duty, defined by law and each a check upon the others, to prevent official wrong-doing.

When the people permit it otherwise, they forget the ancient and noble maxim, always to be remembered if we are to continue free, that this is a Government, not of men, but of laws. A people that ceases to be jealous of unlawful encroachments by their servants in office sooner or later find that their servants have become their masters.

THE KIRBY-YOAKUM TRANSACTION.

B. F. Yoakum testified that he was connected with the St. Louis and San Francisco and the Rock Island Railroads and others; that he purchased about 15,000 or 16,000 shares of the preferred stock of the Kirby Lumber Company; that he begun and ended the negotiations for this stock with Senator Bailey; that Mr. Campbell and Mr. Pierce were associated with him in that purchase, the whole of which became the property of the Frisco Railway; that "the intention of the purchase was for the purpose of what has taken place since, the construction of a railroad through the territory of what is known as the Kirby Lumber Company property, which property supplies a large and valuable traffic and is very largely a northbound traffic, and it puts us in line and closely associated and we work harmoniously with such enterprises, and valuable traffic in the transportation of its product in the country in which we serve, through Texas, Oklahoma and Kansas, and the line which we are now constructing between Houston and New Orleans passes through the territory, and it was a part of my original program in carrying out the construction through that territory, and that would serve this territory and furnish this lumber supply, and my object was one of tonnage which, as I have stated, would be the outgrowth or product of that property." (R. 563.)

BAILEY TAKES RESPONSIBILITY.

Senator Bailey testified: "I take the full responsibility for urging that trade. I believe it was a good one for the Kirby Lumber Company and I believe it was a good one for Yoakum, and I had his interest in view because I liked him." (R. 885.)

It is not doubted that the trade was good for Yoakum and for Kirby, but still less is it doubted that it was bad for the Senator's constituents.

Analyze this transaction. Mr. Yoakum was high in the executive management of an immense system of consolidated railroads, having thousands of miles of track. These railways penetrated Texas and gridironed Oklahoma, Kansas, Arkansas and other States. The Kirby Lumber Company owned a vast acreage of timber lands, so great that it is spoken of by Mr. Yoakum as "territory," and a great number of manufacturing plants. The lumber company was and is the

largest factor in this lumber business in Texas. Many believe that it was Mr. Kirby's ambition to establish a business that should control the lumber market in Texas, not resting on illegal combinations or agreements, but based upon the impregnable foundation of lawfulness, viz., by means of absolute legal ownership by his company of timber lands and manufacturing plants on a scale so vast that its prices must necessarily rule the market in Texas and to some extent in adjacent territory.

This is the foundation of the Steel Corporation, which owns the ore in the mines, the lines of transportation, railways and steamships, by which the crude ore is carried to points of manufacture; the smelters and other plants by which the ore is converted into steel, and the manufacturing plants by which the steel is made into all the vast variety of articles of commerce. Owning so great a part of the raw material and of the manufacturing plants, it is able to regulate prices, not by forbidden combinations or agreements, but simply by declaring its own price.

BAFFLES THE INGENUITY.

This situation is the Gibraltar of monopoly. It is the situation that baffles the ingenuity and the knowledge of the opponents of the trusts, for, under our constitutional system, it has not yet been found how an owner can be deprived of the right to fix the prices at which he or it will sell his property.

But whether Mr. Kirby's purpose went so far, no one can fail to perceive of what incalculable advantage it would be to have the lumber company owning the timber lands and the mills, closely identified in interest with one of the great transportation systems of the country traversing the very field in which the lumber company would sell its lumber.

For years it has been a matter of common knowledge that the original great monopolies of the country were built up by means of the joining of interests of favored shippers with transportation companies, with resulting discriminations and rebates whereby the favored concern was enabled to undersell its competitors, to drive them out of business, to secure their plants and properties at ruinous sacrifices and thus to acquire monopolistic control of trade within certain lines and areas, and by repetition of the same methods to constantly enlarge such areas and so increase its business and profits.

Thus in the beginning was the Standard Oil Company built up. Thus it is known were many other of the corporations enabled to expand into huge proportions and to acquire control and the power to fix prices within certain branches of trade and manufacture.

EFFORTS OF LEGISLATION.

On this account the State of Texas and the United States have for years been endeavoring by legislation to make the giving of rebates and discriminations between shippers by the railroads unlawful and impossible.

But the result of Senator Bailey's action was to bring about that very community of interest between the shipper and the transportation company which would naturally cause the latter to favor the former in the matter of rates at the expense and to the destruction of competitors. Indeed, the transaction not only united the railway company and the lumber company in interest, but actually offered a premium in dollars and cents to the railway company to discriminate in rates in favor of the lumber company.

For through ownership of a great amount of the stock of the lumber company the railway company became a participant in every dollar of profit which the lumber company made. If the lumber company's profits increased the dividends on its stock, owned by the railway company, were increased.

If by discriminating rates the lumber company was able to put its competitors out of business and to enlarge the volume of its own business and profits, increased returns from its stock came to the railway company, while its revenues from tonnage were not in any wise lessened, since the tonnage was simply transferred from

the competitor to the Kirby Lumber Company. If the Kirby Lumber Company, being thus favored, grew in strength and volume of business until it could arbitrarily fix the prices of lumber used by the people of Texas and the adjacent States and thus artificially swell its profits at the expense of the consumers of lumber the railway company would receive its share of these increased profits.

INCONSISTENT WITH OBLIGATIONS.

To my mind it was utterly inconsistent with the Senator's obligations to the people and with a due regard for the public policies to which they were committed, having in view the prevention of unjust discriminations between shippers by the railway companies, to cement a union between the Frisco Company and the Kirby Lumber Company, in which every selfish interest and motive would impel the railway company to favor the lumber company, at the expense of its competitors, and to aid it in attaining a position in the lumber business, so controlling, that it might measure its exactions from the Senator's constituents simply by their need of lumber and their ability to pay.

It would be an insult to the Senator's intelligence to assume that he was ignorant of the general economic propositions here stated. But as to this we are not left to surmise, for in his sworn testimony he shows his appreciation of them, and that he made it the basis of his legislative action. He testified:

"As I drew that transportation amendment Mr. Yoakum's railroad could not have hauled a foot of the lumber of the Kirby Lumber Company, although they had bought the stock for the express purpose of procuring the tonnage, and in this conversation with me Mr. Yoakum agreed that I was right." (R. 890.)

Surely it is not necessary to do more than suggest the question whether the Senator was in consistent relations, when as attorney or agent for the Kirby Lumber Company, he induced the representative of the railroad to buy the stock for the express purpose of procuring the tonnage and then sought, as a Senator, to take away the consideration for which the company had bought it. But with reference to his legal proposition, few lawyers, I think, would agree with him in the view that, though when the Frisco Company bought the stock it became the owner thereof without violating any law, it could have burdens imposed upon such ownership by subsequent legislation, operation retrospectively, and depriving it of the right, because of such ownership, to haul tonnage which it was lawful for it to haul when it became the owner of the stock.

It appears, however, that the application of the amendment to lumber was not made, and thus, to use a common figure, the Senator's effort to lock the stable door after the horse had been stolen, failed. The point of the objection however, is that whatever the character of his subsequent efforts, he should not have been the man designedly to unlock the stable door in the first place. The best that can be said of this transaction is, that however bad it was in itself, the Senator unsuccessfully sought, in his legislative capacity, to undo the wrong he had done his people in his individual capacity. The worst that can be said of it is that, disregarding the interests of his people, he effected a trade between the parties, when every impelling motive of mutual profit would cause them to build up a lumber monopoly, if they could, whose exactions would be borne by his constituents.

STANDARD OIL PROFITS.

It can not, of course, be known what profits, if any, beyond what was reasonable and just, came to the Kirby Lumber Company as the result of the joinder in interest between it and the Frisco Railroad, effected by Senator Bailey. As the result of the readmission of the Waters-Pierce Oil Company, however, it is known that during the six years following it made, on a capital stock of \$400,000, profits amounting to \$11,292,190. If a profit of 25 per cent per annum upon its capitalization is regarded as a sufficient return, it still made during these six years \$8,469,142.50.

Assuming that it has made the same average during the subsequent years, it has received the enormous sum of \$12,703,713.75 in excess of the profit of 25 per cent per annum on its capital stock.

Over 60 per cent of these exactions, for in no correct sense could they be called earnings, went into the bursting coffers of the Standard Oil Company. They were taken from the property and the toil of the Senator's constituents, and principally from those who labor, for it is the farmer in the country, whose children work in the fields, and the laborer in the cities, who are unable to have or pay for the more expensive modes of lighting, who use oil as a necessity of life.

The magnitude of these exactions is such that the figures convey but little meaning to the ordinary mind. They must be made concrete. Property owners over the State have been greatly disturbed by the question whether under recent laws their tax burdens would be appreciably increased. They can realize the extent of the tribute they have paid to the oil companies if they bear in mind that, turned into the State treasury, it would have come near to meeting the entire expense of the State Government for two years, and near to permitting the wiping out of the entire State tax for that period; that at a valuation of \$30,000 per mile it would have constructed a state-owned railroad from Denison to the gulf; that expended in pensions of \$15 per month it would have protected from want over 7,500 Confederate soldiers for nine years; that added to the available school fund it would have come close to furnishing, without expense, the advantages of instruction to all the school children of the State for a full scholastic year; that expended in the purchase of homes at an average valuation of \$2,000 it would have given 6,000 families the comfort, the security and the independence of the homestead and its beneficent exemption.

Instead 68 per cent of this sum went secretly to the Standard Oil Company, and would have gone there openly if the Senator had discovered defect or constitutional weakness in our anti-trust law. The revolutionary patriots, placing principle above all other considerations, rose in arms to resist an illegal tax on tea, which would have been inappreciable in amount. If we, their descendants, are worthy of the liberties they gave us, or have the qualities which will long preserve them, the figures above set compel just, but stern, inexorable inquiry how and why those burdens were laid upon us?

A MORAL CRISIS.

But not to this phase of the matter do I find it necessary to address myself further. More and more, it has been borne in upon me, as the campaign progressed day by day, that the people of Texas faced an overshadowing moral crisis.

This conviction has driven me to break a silence which I should have much preferred to maintain. In 1836, the liberties and Constitutional rights of the people of Texas were threatened with destruction. They faced a great crisis; manfully they met it, and we and all coming generations are their debtors. But the crisis was political.

In 1861, the reserved rights of the States, guaranteed by the original compact of the Union, were threatened. Again the people of the South and of Texas faced a crisis in their destiny, and again, holding principle above all other considerations, manfully they rose to the occasion.

Though blight and ruin and the loss of multiplied thousands of the best and bravest of their sons followed, they brought from out the dread holocaust of war their unbartered convictions and their unpurchasable principles. This time also the crisis was political. In the present juncture, in my deliberate judgment, the citizens of this State again face a crisis, but it is moral as well as political. It is presented in the question: Will a people who have up to this time maintained the Southern traditions, standards and ideals of official conduct, deliberately lower them in order to excuse and condone the conduct of a well-beloved public servant whose practices fall far below them?

I have yet to find the supporter of Senator Bailey who will say in public speech or in writing over his signature that he approves and indorses the things the Senator has done. I have yet to find one who will declare that he is willing to write in any declaration of Democratic faith the following plank: "We indorse the

transactions and practices of Senator Bailey and authorize all other representatives and officers to do the same things, under the circumstances and within the limits admitted by the Senator himself," but the Senator says they are right, and if elected can justly say his people expressly approved and indorsed them.

The Senator has more than once complained that he is the only Senator in the Southern States who has twice been subjected to the humiliation of a public investigation. He seems utterly oblivious to the fact, of tremendous import, that he is the only Senator holding a commission by the free choice of Southern people who has engaged in the practices and done the things which he has done, and which he, for the first time in their history, asks men of Southern blood to uphold and approve.

The ideals and the traditions of a people are the soul of a people; when these are lowered or surrendered, the soul of a people is loved or surrendered. Far more important, in my judgment, than the institutional forms or Constitutional provisions, under which a people live, are the spirit and principles of the people themselves. If these are high and brave and worthy, they will have good government, whatever the form; if these are low or sordid, they will have bad government, whatever the form of their institutions.

Will the people of a Southern State, for the first time in their existence, place a man above their principles, vote to approve the conduct of a Senator of a sort not known before in their history, and hostile to the traditions and the ideals which the shock and ruin of a dreadful war could not lower or imperil?

Will they teach their youth to turn from the example of Lee, who said and proved by his life that duty is the noblest word in human speech, and bid them learn that, properly, gain may compete with duty in men's allegiance? This is a moral issue and its consequences will reach far beyond this generation.

YANCEY LEWIS.

CHAPTER LI.

TERRELL LAID BARE PERFDY OF BAILEY.

HOW THE SENATOR SOUGHT TO INFLUENCE TEXAS COURTS AND LEGISLATION.

The Time, the Place and the Amount Are Set Out in the Record as Given in His Georgetown Address by the Venerable Citizen of Texas.

Special to The Chronicle.

Georgetown, Texas, April 11.—Hon. A. W. Terrell of Austin, candidate for presidential elector on the democratic ticket named at Waco, addressed a large audience this afternoon. Mr. Terrell began speaking about 1 o'clock. He was greeted with tremendous enthusiasm from the very first, and accorded a genuine ovation at the finish. His speech was made up of a brilliant assemblage of facts, presented in bristling English in which slime and abuse had no part, and was in marked contrast to the vile epithets which made up the greater portion of Senator Bailey's address last Monday. Mr. Terrell said, in part:

Fellow citizens: For more than 55 years I have represented you or your fathers as lawyer, judge and senator, and there is not one man amongst you who will declare that I ever wilfully wronged him or lied to him. I am here on your invitation, and will speak to your understanding with the language of truth.

The times are out of joint when a United States senator leaves his post in congress every year to canvass his state in order to prove his own honesty. Joseph Bailey, who should now be in Washington to protect our national interests has projected himself into this canvass for delegate to a national convention; a thing unheard of until now in this or any other state.

All political power is inherent in the people—the senator is their servant—and common decency should prompt him to imitate the example of Culberson, Campbell and all the senators in all the state, and restrain him from wanting to go to Denver to write platforms for the people who are his masters.

ANSWER TO BAILEY'S ABUSE.

I am told that last Saturday Mr. Bailey here indulged in abusing several gentlemen—myself among the number—after refusing to meet in discussion those who believe that he betrayed the interests of the people. To abuse the witnesses is the old, old dodge whenever a criminal is on trial, but it never diverts the experienced prosecutor from presenting the evidence of a prisoner's guilt. I can not find it in my heart to hate Bailey. I pity him, for when I consider heredity and the environments of his youth I am amazed that he is not altogether depraved.

I have no answer to his abuse except to say that even as a boy when I hunted in the wilderness, if the slime of a venomous reptile was across my path I looked and step beyond it. The snow of 80 winters has whitened these locks, and I have neither time nor inclination to answer the billingsgate of Mr. Bailey.

WAS PRESIDENTIAL ELECTOR WITH BAILEY.

Twenty years ago Joseph Bailey and myself were electors for the state at large. I then admired his intellect, and predicted for him a career of usefulness. He has to a large degree that magnetism and hypnotic gift that often captivates the multitude—for he can hypnotize the weak, bulldoze the timid and deceive the credulous. Thus equipped, he now hopes to succeed through what he believes to be the ignorance of the people. If you are not still under the spell of his oratory I will appeal to your reason and not to your prejudices.

HERO WORSHIP.

Hero worship is not in the nature of any self-respecting free born citizen. The man who shouts with another man's collar around his neck whenever his hero pulls the string, is only imitating the red-shirted monkey who dances to the music of the Italian organ grinder. Some men can never be converted by reason. The ward heeler, the man who is the servant of corporate power, the fool, and the corrupt editor who never commits himself on a great issue until he is paid, are all blind to reason; but the silent voter who, wanting to do right, who loves his country and hates corruption in high places—to him and to him only I address myself.

WHAT BRYAN THINKS.

I have been made a candidate for elector at large over my protest, and hope to vote for that pure statesman and friend of the people, William Jennings Bryan. I admire the genius and honesty of that great man. Just a few days ago Mr. Bryan, in Richmond, Va., said:

"I believe the time will come when a man turns a public office to a private advantage he will be whipped from society along with the embezzler of money." Our law puts stripes on those who embezzle money.

Again, Mr. Bryan said: "Every senator can become rich if he will only sell his soul and the opportunities of the congressman are but little less."

And again:

"A man is lacking in either intelligence or honesty or both who defends the acceptance by public servants of employment from those whose interests are adverse to the interests of the public."

I propose to show you that if Mr. Bryan is right, Joseph Bailey has no right to be in a convention to nominate William J. Bryan.

DISCUSSES BAILEY'S WEALTH.

It has been often stated and not denied that when Bailey was elected to congress, executions against him were returned unsatisfied, and that his paper was not worth 30 cents on the dollar. Hon. W. O. Davis, his neighbor, can tell you about that. He is now rated as one of the senators worth one million of money. His rapid success in making money was a mystery to his colleagues from Texas. No one had heard of his large fees as a lawyer, and so the mystery deepened. Some were uncharitable enough to guess that his opposition to an isthmus canal, which, if constructed, would hurt the great railways that belt the continent by diverting to the wharves of Galveston the commerce of Asia, was in some way responsible for his financial success. Others thought that his great effort (magnified from the reporters' gallery) to deprive the railways of an appeal to the supreme court against rates fixed by the commission was strange for Culberson and the democratic senators opposed him. And every lawyer knew that Mr. Bailey's pet measure would render the bill unconstitutional and so leave the railways to plunder us at will. But all this was after Mr. Bailey got rich. Others thought that he had got tips on Broadway and speculated in stocks, or won on his horse races. And so the mystery of Mr. Bailey's wealth remained.

Every man knows that no lawmaker if he attends to his duties can make a million of money by clean methods. None of you farmers who strike the yielding bosom of the earth for food and raiment, nor you lawyers who represent them; none of you merchants who sell them goods, or you doctors who nurse them, can make a million of money by honest methods.

PREDATORY WEALTH.

We must not censure men of great wealth when it is honestly acquired. But riches piled up by our trusted lawmakers through the favor of trust magnates is a fearful menace to good government, for what will become of the common people if their lawmakers grow rich through the favor of trust magnates? It is harder now for a

young man to get a start in the world than it was even 20 years ago, for all our industries are absorbed by rich corporations and trusts, and individualism is forced to the wall.

No man seeking work can appeal to the sympathy of a corporation, for it has no more heart than the iron machines that makes it rich.

The incorporated trust is like the beast of the Apocalypse which would devour the earth, and pernicious laws are the red dragon which gives power to the beast, to oppress the seed of the woman.

HOW THE BEAST IS SERVED.

That trust beast of the Apocalypse has Briarian arms and Argus eyes—for in every state it employs the ablest men to serve it; it terrorizes its servants with hints of its displeasure when they vote against its methods, and woe to the unhappy laborer who displeases it. Let me illustrate:

On the day when the silent voters at Austin financed and held their own primary to instruct Mr. Peeler and Mr. Robertson to vote against Mr. Bailey for the senate, my young friend Brooks Haynie telephoned me as follows from South Austin: "We have cast 50 votes all against Bailey, but now the driver of a Water-Pierce Oil wagon is voting and he votes for Bailey." Poor fellow, he had a wife and children and his bread was at stake. Oh, gentlemen! the hope of this country is not in the political rounder, or in the rich and venal politician, but in the silent voter. Our silent voters at Austin had been watching Joseph Bailey at short range and they repudiated him by an overwhelming vote.

I digress for a moment to correct a statement made at Austin last week by Mr. Bailey, which was without a vestige of truth and which he knew was not true, as all of you do. He said that he did not speak in Travis county when we held the primary that condemned him until the day before the election. He spoke there once in the opera house, once in the skating rink and once at Manor. His henchmen came down from the Panhandle to work. A sleeping car of workers came up from Houston, and a senator brought here from Eastern Texas to speak. I only mention this that you may place a proper value on his veracity.

METHODS OF THE WATERS-PIERCE OIL COMPANY.

More than 12 years ago the attorney general of Texas sued the Waters-Pierce Oil Company and as an oil trust which by villainous methods had monopolized the sale of oil in Texas. It had crushed all competition by underselling and then sold its oil at twice the amount charged in other states. On a capital of \$400,000 it made 700 per cent. Over seven millions of money was thus stolen from the people of Texas. It plundered the rich and the poor alike. While it gave light to the votaries of fashion, it levied its tribute on the oil of the poor mother who in the stillness of the night, watched her sick babe.

Both the supreme court of Texas and of the United States decided that it was a trust, and should be expelled from the state. When Pierce applied to Bailey for help in St. Louis on the 25th of April, 1900, Bailey knew that the supreme court of the United States had decided that the Pierce Company was a violator of the trust laws of Texas and must leave the state. Everybody knew it, and yet he said to Pierce, "If you can convince me—me, Joe Bailey—that you are not a trust, I will see that you have no difficulty in doing business in Texas." I pass his disgusting egotism and ask you to be patient while I trail him with facts, solemnly sworn to—facts that he can neither contradict nor answer.

The grand jury at Waco indicted H. Clay Pierce as a felon and evidence was at hand to make him pay \$105,000 for his oil trust rascality, and the evidence was clear. John D. Rockefeller was co-defendant with Pierce and other oil people.

HOW PIERCE GOT INFLUENCE.

Pierce was alarmed and as Mr. Johnson, the Waters-Pierce attorney, swore he "needed political influence" for his company had been branded as a robber trust by

the highest court in the union—and every man in Texas knew and rejoiced at the decision. He found his influential man in Joseph Bailey, who had been a schoolmate of our then Attorney General Tom Smith.

Bailey came first to Waco with H. Clay Pierce and Johnson, his attorney, April 30th, 1900, and was closeted for two hours with Cullen Thomas, the state's attorney, Stribling, his assistant and H. Clay Pierce. Cullen Thomas swore before the legislature that investigated Bailey in 1901, that Bailey was the first man to propose what Bailey called a "compromise," by which the suit against Pierce should be dismissed and as an inducement to "compromise" Bailey said that Stribling, the lawyer for the state, should be paid by Pierce a "liberal fee," Thomas swore that Bailey said a "liberal fee," but Bailey swore he proposed it was to be a "reasonable" fee. Just think of it, my friends, to what depth of servility have we plunged when, without rebuke, a senator from Texas can thus try to pollute the stream of justice by proposing to the prosecuting officer of the state that the very man charged with a felony should pay a "liberal fee" to the attorneys for the state, as an inducement to dismiss a suit against himself?

Was this fair riding or gross jockeying? I knew a man cowhided once for turning a race horse into a rye patch the night before the race so he couldn't run; but the surest way to win is to pay "liberally" the rider of the other horse. Some people call such conduct an offer to bribe, but now the most flagrant rascality is called only an "indiscretion." I prefer stating facts and let you say what they mean; but I can never understand why this offer of Joe Bailey to defeat the laws of Texas by paying the attorneys of the state with trust money did not make a finish of him.

DEFINITION OF BRIBERY.

The laws of Texas, Article 145, says: "By a bribe is meant any gift, emolument, money or thing of value * * * or the promise of either bestowed or promised for the purpose of influencing an officer * * * in the performance of his duty, as a favor to the person offering the same or some other person." Again our law says, "If any person should bribe or offer to bribe an attorney-at-law to neglect the interest of his client he shall be punished in the penitentiaries by confinement not less than two nor more than five years."

Cullen Thomas, the district attorney, had sued Pierce, Rockefeller and that crowd for \$105,000 and had the evidence to win the case. Now give a name to Bailey's conduct when he wanted to "compromise" by buying the lawyer for the state.

BAILEY APPROACHES JOE SAYERS.

Unable to shake Cullen Thomas from the oath of duty (for he told them he thought it wrong to do what Bailey wanted), we find Pierce, Bailey and Johnson, their attorney, only a few days afterwards in Austin, registered together in the Driskill hotel. Bailey went up to the capitol; he called on Governor Sayers, and told him that he thought "that if Waters-Pierce Oil Company or any other 'useful business' wanted to come to the state to continue in it, they ought to be permitted to do so as long as they obeyed the laws." He got no comfort, for "Honest Joe" told him that "he intended to see that everybody and every business did obey the law."

BAILEY TRIES "INFLUENCE" ON ATTORNEY GENERAL SMITH.

Bailey then went from the governor's office to that of his old schoolmate, Tom Smith. Smith, the attorney general, told him that attorneys of Pierce had offered to pay "fabulous sums" for permission to stay in Texas, but he told him "that money was no object when principle was involved." Bailey told Smith. "If you think they could do business legally, on account of a friend, I would be glad for them (the Waters Pierce Oil Company) to be admitted." Smith said to Bailey: "Joe, did you get my note? Have you read our statute on the subject?" Bailey answered: "No; I have not read it." Smith was inflexible, and told him "they could not do business in Texas under the old charter."

Bailey himself swore that he told Pierce that the "only thing left him was to dissolve the offending corporation and organize a new one, and then come back into Texas with clean hands and obey the law." "Clean hands!" Well, all things are possible with God; but no one but Joe Bailey ever thought it possible that Pierce, the head of the Waters Pierce Oil Company, after plundering from our people by his trust method \$7,000,000 of money, would ever return to Texas with "clean hands" if there was anything left to steal.

Pierce followed Bailey's advice by going back to Missouri, dissolving the old Waters Pierce Oil Company, and then he took out a new charter in Missouri for a new Waters Pierce Oil Company, with the same old oil wagons, the old drivers and the same old Standard crowd, who concealed their stock in the name of other people. Tom Smith, hypnotized by his old college chum, permitted the charter to be filed, and from that day to this that company has been at its old game of plundering a patient people. I believe that this blunder of Tom Smith helped to kill him, for he was an honest man.

Governor Hogg denounced the whole thing as a fraud on Texas, Joseph W. Bailey, according to his own sworn statement, is responsible for all this, and he acted with his eyes open, for only a few days after he came to Austin with Pierce he was told in Waco by Congressman Bob Henry that the Standard Oil Company was in combination with the Waters Pierce Oil Company.

POLITICAL INFLUENCE.

Will our posterity ever believe that a Texas legislature would have acquitted Bailey in 1901 of corrupt conduct when all these facts were sworn to before them, and which would have covered any obscure poor man with infamy? True, that legislature did not then know that Bailey, at the very time he was prancing down to Texas, had with him the money of his friend Pierce jingling in his pocket.

Yes, that legislature not only acquitted Bailey, but when Hon. David McFall, who had made the charges, was on his sick bed and not expected to live, the committee charged him with making a "cruel, vindictive and unfounded" attack on Bailey.

But Bailey was the senator of our party, and the party must sustain him. Political parties, like religious sects, know neither reason nor justice when under the party lash. It is the same old spirit of intolerance that counted in Hayes for president, hung Mrs. Surratt, persecuted Gallileo and crucified Christ. The exposure of Bailey by McFall in that investigation seven years ago was the babe in the manger whilst idolatry was on the throne—but revelation and truth have survived the crucifixion.

BAILEY FROM 1901 TO 1906.

And so Bailey was acquitted, and for five years grew more and more wealthy. The newspapers in Washington rate him as a millionaire, but the methods that enriched him remained still a mystery. Sometimes we would hear of him in Kentucky on his blue grass racing farm; sometimes that he was dealing with Kirby, the lumber magnate, and sometimes his friends would say that he made much money in the stock exchange; but no one knew until last September that his name was in the cypher codes of the Standard Oil, or that H. Clay Pierce had become his "dear Pierce," and had staked him when he wanted money.

DAVIDSON OPPOSED HIM, AND HE NOW HATES DAVIDSON.

You all know the people were in absolute ignorance of what Bailey had been doing, and voted for him in the primary election of 1906. Davidson found out after that, in St. Louis, how Bailey had grown rich by serving the "interests" and got possession of the papers to prove it. Their publication startled the people, and consternation was in every face. What was to be done? Good men petitioned Chairman Carden of the state democratic executive committee to call his committee together to give the people a chance for another vote. He refused, for Bailey had put him there, and he protested against criticising Bailey's conduct, because he said it would

"injure the party." Oh, gentlemen, the party lash should have no terror for an honest man! Had the executive committee done its duty this primary election would have been held last fall, and Mr. Bailey would never have been sent back to the senate.

BAILEY FLINCHED FROM A SECOND INVESTIGATION.

Bailey denied the notes and telegrams discovered by Davidson, and said they were forgeries. He howled over the state, as he is now doing, and refused to speak from the same stand with men who opposed him. Confronted at last with the papers that showed him the confidential servant of the trust leaders, he was compelled to admit they were genuine. Then he tried to prevent an investigation by the legislature last year by saying it was not necessary.

MACHINE POLITICS OF SPEAKER LOVE.

The legislature met and was treated to a long lecture by Thomas B. Love, speaker of the house, on the duty of sticking to Bailey "as the nominee;" and the lifted gavel in his hand reminded the members to sing low if they wanted him to recognize them. Machine politics was busy, and the terror of the machine lash alarmed the timid.

CONSCIENCE ABOVE MACHINE POLITICS.

Right here I want to say that it is more important for the voter to have a clear conscience than to violate it by sustaining a nominee after his corruption is discovered. I was a member in 1857 of the first state democratic executive committee ever organized in Texas; twice since then as the chairman of committee on platform I have written the party principles of Texas, but I never yet saw the day that either machine politics or a political boss could make me vote for a man whom I knew to be unworthy and not to be trusted. Whenever our people believe that machine politics and boss rule should prevail over patriotism and conscience, their necks are ready for the chains of despotism.

You who think that a voter should never scratch a corrupt name from his ticket go and read the printed address of Washington to his countrymen. So the fear of the machine saved Bailey.

THE WHITEWASH OF 1907.

True men in vain insisted that Mr. Bailey's case should be investigated before they elected a United States senator. The watchword was, "Stick to Bailey as the nominee;" first elect him and investigate his conduct afterward. And this they actually did. This was like the man who was warned that his daughter was about to marry a thief and who said, "Let them marry and we will then investigate;" or like the farmer who was warned that Johnson grass was mixed with his sorghum seed, but who sowed them first and investigated afterward.

In vain did members of the investigating committee ask leave to go to St. Louis and examine there Mr. Pierce and his books. In vain did good men strive to make Bailey deport himself with decency.

He not only denounced the witnesses as liars without rebuke, but actually dictated who should examine him. Mr. Cocke, a member of the house, who wrote the charges against Bailey, could not examine him because Bailey protested. And he (Bailey) calls this an "investigation!" For five weeks he strutted back and forth between the Driskill hotel and the investigating committee room with his bodyguard of corporation employes, book agent lobbyists and sleeping car attorneys and the attorneys of H. Clay Pierce. And so the miserable farce dragged on, and all that time Mr. Bailey was drawing pay as a United States senator while congress was in session.

H. CLAY PIERCE'S ATTORNEY ON THE COMMITTEE OF INVESTIGATION.

Judge James H. Robertson, the attorney employed to defend H. Clay Pierce for perjury, was on that committee, but they were mistaken in the man, for that clear-headed lawyer voted against whitewashing Bailey; but Wolfe, Odell and Cobbs, who are now in the band wagon with our spotted senator, were then active in his service.

But after all, the committee of investigation was a hung jury, for, although a majority of the house committee acquitted the senate actually dismissed its committee before it could return a verdict, for it was known that a majority of them would condemn Bailey. The legislature, thus side-lined, hobbled and bulldozed with the state cry that "Bailey is the nominee," deliberately acquitted him over a protest of over forty representatives who voted against him, and refused to whitewash.

HOW AND WHEN PIERCE FURNISHED MONEY AND BAILEY FURNISHED INFLUENCE.

But that investigation has shown us how our senator got rich. Give me for an instant your patient attention while you follow me in dates and facts revealed to that committee which must brand Bailey with treachery to his people, and that brand will cling to him, like the shirt of Noesus, forever.

On April 25, 1900, the very day that the mandate of the United States court was filed in Texas which declared that the Waters-Pierce Oil Company should be driven from the state, Bailey first met Pierce, a stranger to him, in St. Louis. The lawyers of Pierce had failed to save him; he needed political influence. The man who would soon be a senator from Texas, and who had been the schoolboy chum of Attorney General Smith, was of all men the very man that Pierce needed. Bailey was poor and wanted money, and Pierce needed him. Then and there Pierce told him of his troubles in Texas, and Bailey informed him that he did not think he would have much trouble. Then and there Bailey borrowed from this stranger \$3,300 and agreed to return to Texas and help him, and in eight days is in Waco trying to "compromise" with the state. His lawyers had offered Tom Smith "fabulous sums" to "compromise." Don't you believe Pierce told Bailey about that? Smith swore that nothing was said about "bribery" to Bailey when the \$3,300 was loaned. The smooth agent of a trust never employs so ugly a word; but Bailey understood it, for on the books of the oil company it was entered as an expense item of \$3,300 paid "on account of Texas cases," and was afterward charged off to profit and loss. On the 18th day of July, 1900, Pierce signed a receipt in favor of the Waters-Pierce Oil Company, showing that he had collected from the company \$3,300 and he was thus reimbursed in full by the company. Thus in an evil hour Joseph deliberately placed both his feet in the oil trough and was compelled to go forward, for he was poor and the charming glitter of gold suggested the road to fortune.

HOW AND WHEN BAILEY BORROWED MONEY FROM PIERCE.

Since the revelation by our present attorney general we now understand Mr. Bailey and the methods that made him rich. I am about to show you how Joseph Bailey in 1900 prostituted his influence as our senator to fasten on this state the fangs of the oil octopus which he helped Pierce to reintroduce, and that the money of the Waters-Pierce Oil Company was in his pocket at every step.

You must not forget that the Waco judge held that when that oil company surrendered its charter no execution for penalties could be satisfied from its property, and the judgments of the state on account of its illegal acts amounted to nothing. And so Senators Grinnan and Paulus, on February 1, 1901, offered a bill in our state senate to make the property of a defunct corporation liable for penalties recovered against it, and on February 27, 1901, Mr. McFall offered a resolution that the readmission of the Waters-Pierce Oil Company into Texas was fraudulent and void. Both bills were reported favorably. March 1, 1901, Pierce was alarmed and hurried from St. Louis to Washington, for he again wanted influence, and so on March 1, 1901, Bailey signed the following note without interest:

\$8,000.

Washington, March 1, 1901.

Four months after date I promise to pay to the order of H. Clay Pierce eight thousand dollars at his office in St. Louis; value received.

J. W. BAILEY.

That \$8,000 figured on the books of the Waters-Pierce Oil Company among "bills receivable" and to "legal expenses on account of Texas litigation" until June, 1902, and then was charged off to "profit and loss." No payment is shown on the books of the oil company.

March 4, 1901—Bailey took the oath in open senate as a senator from Texas.

March 7, 1901—Three days after that Mr. McFall's resolution was reported favorably in Texas.

March 9, 1901—Two days afterward the Grinnan and Paulus bill was made the special order in the Texas senate for March 13.

March 10, 1901—The Washington correspondent of the Dallas News telegraphed that Bailey would leave for Austin the next day.

And so this man, who only six days before took his seat as our Senator, hurried away from it as a place of no value. Mere friendship for Pierce surely did not constrain him to quit his post in Washington to become, as we will see, a lobbyist in Austin.

Oh, gentlemen, mere friendship for Francis, or "My Dear Pierce," could not have made Bailey turn his back on the American senate chamber, where he had struggled so long to get, and to take a journey of a thousand miles only eight days after he was seated there. Follow these dates in connection with Bailey's acts, and then give your judgment fair play. When passion rules reason is dethroned. Follow boldly when truth leads you, no matter what you have thought, for the only men who can not be changed by reason are fanatics or fools.

March 12, 1901—The Washington telegram to the Dallas News announced that Bailey was on his way to Austin to fight the Grinnan bill and the McFall resolution.

March 14, 1901—The Driskill hotel register shows that Bailey arrived in Austin (and the American senate with all his honors was forgotten, for "My Dear Pierce" needed him).

March 15, 1901—Bailey gave out to the press that he opposed the McFall resolution.

March 27, 1901—Paulus published an open letter to Bailey, saying that it was reported he had come back to Austin to defeat his bill, which would render the property of an infamous oil trust corporation liable for penalties after its dissolution. That letter was never answered.

Bailey had fixed the legislature and went home. He naturally felt that he had earned money, and so, on the next day—March 28, 1901—he wrote to Pierce the following letter:

Mr. H. C. Pierce, St. Louis, Mo.:

March 28, 1901.—My Dear Pierce: Send me New York exchange for \$1,750. Have it made payable to my order so it will not be necessary for you to indorse it. Send it at once. I ought to have had it several days ago.

Your friend truly,

J. W. BAILEY.

Bailey had been at work lobbying and did not want the name of Pierce on a check that brought him money.

April 1, 1901—Four days after that the Grinnan bill passed the senate and went to the house.

April 2, 1901—On the very next day (April 2) the house committee reported favorably on the Grinnan bill, in spite of Bailey's opposition; and again there is great fear in the camp of H. Clay Pierce, for the register of the hotel shows that Bailey returned and spent the next day in Austin. So he returned with \$1,750 of Pierce's money in his pocket.

April 9, 1901—The legislature adjourned; for want of time it did not pass the Grinnan-Paulus bill, which died on the calendar, and the McFall resolution also; and thus Pierce triumphed through the help of our junior senator.

Bailey admitted that in March, 1901, he received, direct from the headquarters of the Standard Oil Company, No. 26 Broadway, New York, a fee of \$2,500, paid to him for his legal opinion that they could not do business in Texas. Any fool in Texas

could have told them that; they knew it, but our legislature was in session, Pierce was in danger, and his partner, the Standard Oil Company, adopted this shrewd way of greasing Mr. Bailey's path.

June 12, 1900—But the year before all this, in 1900, the Waco cases were pending, and Stribling, the attorney for Texas, was threatening to place the Waters-Pierce Oil Company in the hands of a receiver; and so, on June 5, 1900, George Clark had written to Johnson, the attorney for Pierce, that he had better "have Bailey" communicate with Stribling.

Just seven days after that letter, on June 12, Pierce telegraphed as follows:

Andrew M. Finlay, St. Louis, Mo.

Lake Nebagemon, Wis. June 12.—If Johnson approves, authorize Bailey to loan Stribling on his note fifteen hundred. Bailey should quiet all Texas parties. Tell him I will see him soon.

H. CLAY PIERCE.

What! Joe Bailey loan money for Pierce, the millionaire! Bailey, the man whose paper but a short time before was not worth 50 cents on the dollar! Why select Bailey to quiet Stribling by "loaning" him money?

Ah, gentlemen, Pierce knew his man! Only a few weeks before he witnessed the fine Italian hand of our Joseph when in Waco he proposed to "compromise" the rights of Texas by paying a "liberal fee" to this same attorney, Mr. Stribling, while he was the attorney for the state.

June 13, 1900—On the very next day, June 13, 1900, J. W. Bailey thus authorized, drew his sight draft on Pierce for just \$1,500. But Stribling swore he never got a dollar of it.

Is this the money which Odell says Bailey used to buy groceries? Yet Stribling failed to make trouble, for in November, 1900, the Waco cases were dismissed, and then Stribling went to St. Louis and received from the Waters-Pierce Oil Company \$3,100—as a "compromise fee?"—no, but for "services to be rendered in the future."

This new way of hiring a lawyer to render future services must be a revelation to corporation attorneys. Is Stribling now earning his fee for "future services?" He is reported to be active for Bailey, as is also Judge Scott, who was closeted with Pierce, Bailey and Stribling in Waco when Bailey wanted to make that strange "compromise."

June 10, 1901—Bailey then began to prosper, for on June 10, 1900, Pierce directed the secretary of his oil company to send him at Gainesville, exchange for \$1,750, and that money was charged up by the oil company to account of "legal expenses in Texas legislation."

And now this veiled prophet of Khorasan, this senatorial friend of Pierce, caught him with the goods on, and exposed, makes a virtue of necessity and has confessed that he brought back to Texas that "great trading corporation," and that he, being an honest man, can represent public service corporations, while a senator, though other people can not.

On August 8, 1900, he said in a Waco convention, "Do we, as democrats of Texas, believe that we have fallen so low as to elect a senator who sells his services to corporations? I do not believe that time will ever come." At that very time he had \$4,800 of the money of the Waters-Pierce Oil Company in his pocket.

WHAT BAILEY POCKETED FOR HIS INFLUENCE.

But why pursue further in detail the crooked trail of our Joseph, with the mantle of many colors. Every single fact stated by me has been established by testimony as true. Bailey was confronted with the notes, letters and telegrams, and could not deny them. Why dwell on his borrowing \$28,000 from John W. Gates, without interest and his subsequent change of heart when he ceased his opposition and supported the Port Arthur bill so dear to Gates? The sworn statements of witnesses have established that his fees for services and money borrowed from public service corporations amount to nearly half a million of money. And yet during all that time no man has ever stated that Mr. Bailey rendered any legitimate service as a lawyer in the

court house. No man knows what "nameless service unexpressed, and from its wages only to be guessed" was rendered to the cause of predatory wealth to make up the rest of Mr. Bailey's million-dollar fortune.

THE SENATOR AND THE PREACHER.

The American senator should, I think, be as careful of his reputation as a Christian minister. Let us suppose that a Christian professor in your great university here had been led by a bad student into a house in St. Louis of ill-repute, he being ignorant of its character. The good man would never be believed if he did not denounce the man who deceived him and compelled him to explain it. But now, suppose that minister had been found soon after in company with that same young man in just such an evil house in Memphis and New Orleans, and never even called on the young man to vindicate him against suspicion; how long would that professor be tolerated in your university?

BAILEY'S DEVOTION TO PIERCE.

If Mr. Bailey had come out and denounced Pierce for deceiving him in charging off Bailey's loans to "profit and loss," and entering them on his oil books as money spent "on account of legal expenses," and all that, we might possibly still have trusted him, but this "president of the Race Horse Club of America," this jockey of the quarter-stretch, detected in his secret transactions with Pierce, clings to him still with the tenacity of devotion. The scorching flame of public censure can not sever the tie that binds Bailey to his "dear Pierce;" and Pierce reciprocates the devotion, for his attorney, Johnson, testified that Pierce would come to Austin and testify, "if Bailey wanted him." And that, too, when Pierce was dodging an arrest under a charge of perjury.

HOW CORPORATIONS GET INFLUENCE.

When a corporation chief wants to secure the influence of a public official by using money, he surely will not take the man out before witnesses, and after stuffing money in his pockets say "There now, I've bribed you." No! No! Loans and presents are less dangerous. The Arabs say, "Give a man a horse, and you own him." The Bible says, "The borrower is servant to the lender." And all people in all ages recognized this truth until the advent of Mr. Bailey.

HOW DEMOSTHENES FELL.

Well, to illustrate: Demosthenes, whose eloquence still charms the world, was visited by King Harpolus, who, with his ships had fled from the services of Alexander. He wanted protection from Athens. Demosthenes first advised that he be sent away, but he visited Harpolus, and, admiring with longing eyes a gold cup of the king, asked him what it was worth. The king answered, "It will bring twenty talents," and that night the king sent Demosthenes the cup with twenty talents in it as a present. Next day Demosthenes appeared before the people with his neck enveloped in flannels, saying he was hoarse and could not speak. The clear-sighted Greeks said he was hoarse from swallowing gold. Harpolus was sent off to keep him from corrupting more of their orators. Demosthenes was indignant (just like Bailey) at the popular suspicion, and asked the court of the Arcopagus to investigate and punish any one guilty of bribery. They took him at his word, and he was the first man convicted. That illustrious orator escaped from prison and died in exile by his own hand.

No man swore he was bribed, but he was "caught with the goods on" (just as Bailey has been). Harpolus was no enemy to Greece; he was only seeking refuge. If Harpolus had robbed the Greeks of \$7,000,000 through a monopoly, and Demosthenes had then received this gold cup and refused to denounce him, those Greeks would have hung him. Oh, gentlemen, that court of the Arsopagus, sitting on the high cliff towers above the rock-hewn prison of Socrates, with no roof but the blue vault of heaven and looking across the Piracus to where their ancestors had captured or sunk the ships of Xerxes at Salamis, knew the methods of Philip, who gave presents

to bribe their leaders—that Arsopagus who had listened so often to the eloquence of Demosthenes, knew how to detect and punish treachery to the state, and to punish avarice and bribery.

HOW LORD BACON FELL.

Nearly two hundred years ago, Lord Bacon, the lord chancellor of England, fell because he gave the weight of his great name to a monopoly for making gold and silver lace and received presents from those who had cases before him. Helping a monopoly was the first sin of Bacon—helping the monopoly of oil was the first discovered sin of Joe Bailey. Our grand ancestors charged him with bribery and he confessed it, though no man swore that he ever offered to bribe him. He was in debt (like Bailey), loved money and received presents from those who had suits before him. No man has ever charged that his decisions were wrong—but he received presents, and then confessed to bribery without a trial. This great but corrupt man whose intellect has shed light on all the realms of human knowledge, was for bribery degraded, imprisoned, fined and prohibited from ever visiting the scenes of his former greatness.

BAILEY'S MALICE, EGOTISM AND VULGARITY.

At Austin, 1907, Mr. Bailey denounced all the gentlemen of the last legislature who refused to whitewash him, as scoundrels, liars and hyenas and rogues; that he intended to have a rogues' gallery in which their pictures should be hung, and that he would drown them in the gulf. He not only thus branded himself then as a boasting vulgarian, but violated a rule of common decency, for he was then speaking as a guest in the house of representatives. He declared that he wished for the venom of a snake, that he might make it hiss in his words, and said that he would teach his children to hate your legislature. When did he graduate in billingsgate? Was it in the corrupt atmosphere of that saloon at Crystal Springs where he passed his neglected boyhood? Did he learn it on the quarter-stretch of his Kentucky race track where he drove his own horses, or did his stable boys instruct him in their slang?

MR. BAILEY'S FORT WORTH OVATION.

His ovation at Fort Worth was a spectacular affair, carefully prepared to catch the men who never think—and who forget that the "interests" have money and know how to charter sleeping cars with bands of music, and to cook a mock enthusiasm. A chief of police accompanied by detectives and armed policemen escorted him from the railroad depot at Fort Worth and shouted his praises. With muscular voice, sanctimonious visage and imposing gesture he greeted his obsequious followers and accepted their adoration. Is this the way to instruct the human mind in truth? Sometimes he exhibits the ferocity of the race track bully, and then with rubber shoes he touches the soft pedal as he lays his fat hand over the breast where a heart should beat, and with bowed head he exclaims, "I have done no wrong." His own friends, disgusted with his gross vulgarity, compelled him to comparative decency at Fort Worth, but a few days after that he broke loose again at Gainesville, for he called on his friends to make it impossible for his opponents to live in that town. He improved on his former wish to drive them into the gulf and said that he wanted them burned in a fire twice as hot as the one that consumed a house there.

And thus it is that this shameless boaster struts from town to town, escorted by the shackled tribe of corporate agents, text book lobbyists and servile worshipers, to insult our people.

This campaign was provoked by his treachery to clean government, and his hypocrisy can not have the support of Christian men. If, as he asserts, 90 per cent of our preachers sustain him, we need a new tribe of gospel ministers. But that vain boast has only as much truth to sustain it as there was in his oath before the investigating committee of 1901, when he swore to tell the whole truth and yet concealed all his cash dealings with his "Dear Pierce." In all my acquaintance I have heard of but one minister of the gospel who ever excuses his treachery to Texas.

Themistodes, tall and eloquent, towered above all Greeks. He was the hero of Salamis, but became a traitor to his country and lived a pensioner on the Persian king. History is filled with such examples, and our junior senator is the very sort of man referred to by Cicero when he says that all commonwealths have been destroyed by the eloquence of ambitious young men.

Eloquence that captivates without convincing is a poor substitute for reason. I am told that in a speech of two hours here last week Mr. Bailey did not refute one single accusation about his dealings with Pierce and public service corporations, nor utter one word of censure against Pierce.

WHAT TEXAS CAN NOT AFFORD TO DO.

Texas can not afford to send a delegate to Denver whose employment by Gates and the Standard Oil people places him on a par with embezzlers. If Mr. Bryan's standard of civic virtue is correct, Mr. Bailey should be wearing stripes.

Texas can not afford to send to Denver as a delegate a man whose crooked trail has been oiled by predatory wealth.

Texas can not afford to send to Denver as a delegate a man who opposed Senator Culberson, our leader in the senate, on the rate bill and on every measure of great importance.

Texas can not afford to send to Denver a delegates whose name is among good democrats the synonym of duplicity; whose honesty is questioned, and whose character had to be whitewashed whenever he was elected.

The democracy of this country has no use for a millionaire senator when it makes a national platform. A millionaire requires all his time to attend to so large a fortune, and has not time, even if he had the inclination, to look after the interests of common people.

We can not afford to send a delegate to Denver who admits that he was the employed agent of an oil trust magnate, even if he is honest.

Texas can not afford to send to Denver a senator who is continually leaving his place in the senate to canvass among his own people in order to prove that he is honest, and has not been bribed.

REBUKE BOSSISM.

Let us rebuke the boss rule which now threatens Texas and let no man delude himself and stay away from the polls—for the sluice gates of corporate wealth will be wide open, and its slush fund will be everywhere to corrupt, and if necessary to doctor your ballot boxes. Put none but unbought democrats on guard, and who will not sail in that low, black, rakish ship with Bailey at the helm, and painted on her sides the words, "We love boodle and our friend Pierce." But send true men, and then the old democratic ship with her white sails shining in the sunlight and her streamers floating to the breeze, bearing as their motto, "Equal rights to all men," though buffeted by the storms of democratic treachery, will sail triumphant into port, amid the cheers and blessings of an unbought democracy.

ADDENDA.

POST ELECTION COMMENT.

San Antonio, Texas, May 5th, 1908.

On May 2nd, 1908, a special Democratic Primary Election for Delegates at Large to the Democratic National Convention at Denver, Col., June, 1908, was held. Hon. Cone Johnson, of Tyler, Hon. Cullen F. Thomas, of Waco, Hon. Lee Young, of Stephenville, and Hon. Thad. T. Holt, of Houston, were the candidates nominated by the Waco Anti-Baileyism Convention of March 7, 1908. J. W. Bailey, of Gainesville, M. M. Brooks, of Dallas, A. J. Baker, of San Angelo, and James L. Storey, of Lockhart, were the candidates nominated by the Bailey Fort Worth Convention on March 28, 1908.

The election, according to returns to this date, indicate that Mr. Bailey's ticket received about 120,000 votes, and the Johnson ticket about 100,000. Mr. Bailey had been claiming that he would receive at least 100,000 majority. Many of the counties of the State,—those freest from corporate domination, ignorance and the liquor interests, gave majorities against the Bailey ticket. The latter ticket enjoyed the support of a thoroughly organized machine, that had been built up for three years including most of the regular party machinery,—state and local. It was evidently supplied with all the funds necessary to the dissimulation of unlimited amounts of literature. Every trick and artifice of fraud, deception, concealment and misrepresentation were employed to bolster up the falling fortunes of the Standard Oil Senator from Texas.

Bailey had long professed devotion to state-wide prohibition, having taken the stump therefor in 1887, and having, reiterated his position thereon in a speech in the Senate, February 7th, 1905, (Congressional Record Vol. 39, page 1973). In spite of this, however, Bailey gave out an interview in November, 1907 to the editor of a German paper at Houston, declaring his opposition to state prohibition. That interview was printed at the time in *German only* and was a shrewd political scheme. During the campaign, Mr. Jake Wolters, of Houston, the general attorney for the Pullman Palace Car Company in Texas, and an attorney identified with the liquor interests in Texas, made a number of speeches in South Texas, including one at San Antonio on April 18, 1908, in which he said: "If the people want to know how Senator Bailey stands on the prohibition question, he (Bailey) has already said he believes local option is the real Democratic way of dealing with the liquor question. Senator Bailey is against State Prohibition."

Prior to this movement identifying Bailey with the liquor interests, the anti-prohibitionists, like the prohibitionists, were divided on the Bailey question, without regard to the liquor question, but this double-cross-movement on Bailey's part largely secured for him the support of the liquor interests at the last moment without losing to him his prohibition votes in North and Central Texas.

It is thought enough votes were thus changed to make up his majority. It is certain that the political ring-masters, tricksters and corporation lackeys, as well as their employees, where they could be controlled, were massed in favor of the spotted senator. It must be remembered, however, that less than two-thirds of the democratic vote of Texas was cast, and many counties, known to be strongly anti-Bailey, held no election, frequently on account of the fact that Bailey men were in charge of the party machinery.

Bailey had boasted early in the campaign that not exceeding two per cent as a rule of the democrats of Texas were against him. The vote, however, showed that more than 45 per cent of those participating in the election, were against him.

MACHINE POLITICS.

A number of the counties of the State, notably Comancha, Coleman and others returned strong popular majorities against Bailey's ticket. Nevertheless, through precinct, and county convention manipulation, they will send Bailey delegations to the forthcoming State Democratic Convention. This illustrates how important it is for the people that their government in all its aspects be kept close to the popular pulse.

Again an unprecedented, undemocratic, unwarranted and desperate move has just been made by the Tarrant County Bailey forces in the election as delegates to the State Democratic Convention from Tarrant County, Carden, Wortham and Phillips of Dallas County, Jones of Tyler County, and Imboden, of Travis County. These counties had gone overwhelmingly against Bailey. This left out the intense Bailey partisans just named and precluded their appearance as delegates to the State Convention. In order to circumvent the expressed will of the people in the respective counties of their residence, these men now propose to ride over and around the will of their fellow-citizens by accepting representation from a distant county. Surely Bailey and Baileyism are hard pressed for assistance in Texas.

BEXAR COUNTY ELECTION.

There are more than twelve thousand qualified voters in Bexar County. Of this number less than three thousand are republicans. Of the remaining nine thousand democratic voters, only approximately three thousand participated in the May primaries; between 2,300 and 2,400 voting the Bailey ticket. This represents practically the machine vote of the county and of the City of San Antonio, and is thought to represent Bailey's full strength out of the nine thousand democratic voters. Bailey's majority in Bexar County was due:

- 1st. To the City machine;
- 2nd. To the support from the local breweries and the liquor interests;
- 3rd. To the Bexar County Democratic machine;
- 4th. To the ruling county official machine;
- 5th. To the light vote.

There is no doubt but that the local breweries supported Bailey as well as a number of republicans. Indeed, a well-known local republican, a late member of their county executive committee, presided at one of the voting places on behalf of the Bailey ticket and the secretary of a precinct republican convention on the evening of the election told his republican associates that he had just voted for Bailey in the democratic primaries.

The Bailey organs in Texas, however, made cheap boast of the fact that the voting box in which the proponent of the charges resides in San Antonio was practically unanimous for the Bailey ticket. In the first place he resides just in the edge of a district composed almost entirely of Mexican voters and dominated absolutely by the Calaghan city machine. There were no anti-Bailey representatives in this polling place, and the fact that the box was returned as having voted its full strength, whereas other boxes in the county and city voted only one-fourth of their total strength, indicates very strongly that *this box was likely "stuffed" for Bailey advertising purposes*. The author did not attend the precinct convention at his own voting box. There was absolutely no use. Here are some of the names selected as county delegates from this precinct convention: Jos Rubiola, Fernando Rodriguez, Felix Trevino, Antonio Olguin, Ed. M. Rivas, Calistro Quientiro, Albert Garcia, Juan M. Garza Jr., Francisco Hernandez. Is it any wonder that Bailey got a majority in this box?

Poindexter and Odell also lost their voting box in Cleburne where they have lived for many years and now it is proposed by Tarrant County to import Poindexter as one of their delegates to the state convention! Just why Judge Poindexter refused to ask Bailey on the witness stand some two or three hundred twpewritten questions that the proponent of the charges prepared at the time is now made clear.

CONE JOHNSON'S POST-ELECTION COMMENT.

Tyler, Texas, May 3rd., 1908.

"The returns of the primary show that our full victory has been postponed and that the Bailey ticket has succeeded by a majority ranging around 20,000. When we remember that Bailey himself declared the contest to involve his political and personal integrity, the vote is a fearful rebuke to his record. The returns not being complete, I have not had opportunity to fully analyze them, but some things are apparent on their face.

"The position which Bailey assumed toward the brewery and whiskey interests at San Antonio last Sunday has played an important part in the result. I have already seen indications and evidences of such a combination, and tried to sound the alarm in the few days remaining of the campaign after it became known. Just to what extent this understanding was carried out I can not yet tell, but will wait till I learn more of the facts and have collected the evidence, and if I shall be satisfied that it was a controlling factor in this election, I will have something more to say later on on this feature.

"I am somewhat disappointed in the vote of portions of East Texas, but that is easily accounted for by apathy and neglect. We were compelled to neglect some portion of a State so large. The short time for the campaign, the lack of speakers, the want of the necessary funds with which to bear the legitimate expenses and other handicaps forced us to concentrate our forces in the populous counties, and we were not able to touch the remote sections of the State. The work done in East Texas, with a few bright exceptions, was only nominal, and that was not the fault of ours. We took too much for granted for East Texas and we overlooked the fact that in the piney woods the commercial influence of the lumber interests which collect around Kirby is a dominant factor politically, but this would have been overcome if we could have discussed the matter before the people.

"And then the vote was light. It was true, naturally so, that those who supported Bailey were more active than those who opposed him, and the stay-at-homes were not largely for him. When we remember the difficulties which beset us the result is a great victory for our cause. When we first entered the campaign no one supposed we could possibly win. We had but about thirty days for the battle; our forces were scattered and straggling. We had to take our strength largely from Bailey's followers.

"Handicapped on every side, fighting a fully organized political machine which had been built up while the people slept, contending against the busy and active politicians, the attorneys of the interests with which Bailey was allied, we have made a splendid fight and the people are to be congratulated. We have scotched Bailey-ism and no other public official will soon follow in Bailey's footsteps.

"Take from Bailey's vote, those who apologized for voting for him, those who openly said they did not indorse his record, those who said he was our Senator and that we ought not to destroy him, those whom outside influences controlled and those who professed to see a danger to the party in the agitation, and it is perfectly manifest that a clear majority of those voting in the primary oppose Bailey and his methods, though their ballots will be construed into his indorsement.

"This is but the first battle. The struggle is to continue. The principle that a Senator can not be the confidential adviser and agent of trusts and monopolies, the hired attorney of Standard Oil, the devotee of Wall street and frenzied finance, is fundamental and essential to all democratic government and we will never cease this fight till all officials shall bow and conform to that principle.

"Probably the worst feature of the result will be the impression which will go abroad that Texas, the great Democratic stronghold, has fallen into the clutches of those interests which have debauched other sections and has surrendered to the spirit of commercialism in this hour of National struggle for reform.

"It will be a strange spectacle to Democrats when the attorney of the Standard Oil, the friend and financial intimate of predatory wealth, shall help to indite the

National creed for Bryan, whose hope to win lies in the fact that the country is to believe that in him there is safety against those unlawful industrial combinations which strangle the freedom of trade and oppress the people. I am in no wise discouraged or dismayed.

"I extend the thanks of our cause and ticket to all those who have helped to swell the 2 to 10 per cent which Bailey said we would get into almost 50 per cent of the vote cast."

THE VICTORY THAT KILLS.

El Paso News.

Senator Bailey has won a victory that spells defeat. He has received more votes than his opponents, *but he has not been vindicated.* His friends said his majority dare not be less than 100,000. *Anything less than that would be fatal.* His majority will barely reach 15,000 or 18,000.

The rank and file of the party, the bone and sinew of Texas democracy, has failed to line up for Senator Bailey. What votes he received were received through the activity of the officialdom and the political organization of the state. It certainly was not the vote of the plain people—those who go to the polls to vote for what they believe is right, *and not for what will please those to whom they owe allegiance.*

The Bailey star has waned. *His day of usefulness is at an end.* Sad as it may seem, this once brilliant leader of the democracy of the greatest state in the Union *has fallen by the wayside;* he has been left abandoned—all because he has betrayed the trust of the humble citizen who gave the leader his power.

The men of Texas are generous. They are charitable and they are loyal. They will stand by a friend when other men forsake him. And thus they stood by Bailey in the hour of his need. They remained loyal to his banner when the clouds began to settle over his career. They were loth to believe the evidence that was being adduced to undo him. But the truth was mightier than even friendship and loyalty, and it became the painful duty of his former champions to turn from him *as a thing to be shunned,* all the more to be shunned because of the tragedy of it all and the pathos that held them as by a silver cord to the fallen leader.

The people of Texas are still true to the junior senator of the past. They cherish the memory of the champion who fought their battles with brilliant power in the national congress. They honor the leader who stood by their weaker shoulders and helped them to gain prestige among the people of the nation. *But that Senator Bailey is dead.* He has been slain by the truncheon of mammon, and he can serve the people of Texas no more.

Senator Bailey may go to the Denver convention to represent the state of Texas. *He will not represent her.* He will represent her money and her political machinery. *That it was which sent him.* And the plain people of Texas will be without a champion among the democrats of the Union.

To other states which meet him at Denver, Bailey will be a warning. He will go there stripped of his power, his prestige and his name. The nation will know that the people of Texas failed to vindicate him yesterday. They well know that he has survived *only in form;* that his spirit died and his power vanished when he took the trust of millions of honest men and *for a handful of silver placed the knife in the hands of monopoly which has been wielded with unrelenting cruelty at the weak man whose cause he was sworn to champion.*

The vote for Bailey is sickly. Bailey could not vindicate himself. He has learned too late that the people of Texas, while loyal to the end, are not loyal to their betrayer at the expense of the thousands whose integrity has never been brought into question.

THE END.

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